



## LOCAL LAWS

OF THI

# STATE OF INDIANA,

PASSED AT THE

## THIRTY-THIRD SESSION

OF THI

GENERAL ASSEMBLY.

BY AUTHORITY.

INDIANAPOLIS:
JOHN D. DEFREES, STATE PRINTER!
1849.

# STATE OF INDIANA,

THIRTY-THIRD SESSION
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# CHAPTER I.

An Act to incorporate the Elkhart and Michigan Railroad Company.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That H. Beardsley, S. P. Beebe, John Davenport, Philo Morehouse, Jr., J. W. Chamberlin, Albert Heath, Augustus Newton, H. Goodspead, of Elkhart county, and H. W. Wood, Wm. A. Sangar, of Lagrange county, and their successors in office, be and they are hereby declared a body politic and corporate, and, by the name and style of the President and Directors of the Elkhart and Michigan Railroad company, shall be capable, in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatever, and shall be, and are hereby, authorized and empowered to make contracts, and make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock, if necessary to accomplish the

objects herein contemplated.

SEC. 3. The said corporation shall have power, by themselves or agents, to examine, survey, and locate a route, and make and construct on such route a railroad, from some convenient point in the village of Elkhart, in Elkhart county, to the State line of Michigan, at some convenient point in Elkhart or Lagrange counties, on the most suitable ground, and such as will be the most conducive to the public good and to the interest of said corporation, and to build and construct a railroad on such route, and to fit the grade

and superstructure of such railroad for such motive power as may be determined on by said corporation.

Sec. 4. That all the rights, benefits, and privileges conferred on the Crawfordsville and Indianapolis Railroad company by the act to incorporate that company, approved Feb. 16, 1848, be and hereby is [are] conferred on the Elkhart and Michigan Railroad company, hereby incorporated, and the charter of the said Crawfordsville and Indianapolis Railroad company be and hereby is declared to be [the] charter of this company, with the exception of the 12th and 22d sections of said act, which, so far as this act is concerned, be and the same are hereby repealed: *Provided*, That nothing herein contained shall in anywise affect, change, or modify the provisions of the charter of the Crawfordsville and Indianapolis Railroad company.

Sec. 5. The President and Directors shall be liable, in their individual capacity, for all debts contracted beyond the amount of solvent stock secured to the company, and the Legislature reserves the right to alter, amend, or repeal this charter, when any of its

privileges shall be violated by said company.

Sec. 6. That if any other Railroad company or companies shall wish to join or intersect the said Elkhart and Michigan Railroad at any point, they shall have the right to do so, and it shall be the duty of the Elkhart and Michigan Railroad company, and it is hereby required thereafter always to transport freights and passengers to and from any point where said junction shall have been made, to and from any point where said freights shall be consigned or where said passengers may wish to go, for the rates of fare which shall not exceed per mile the lowest rates charged to any other parties on any portion or the whole of the said Elkhart and Michigan Railroad, or any road connected therewith by contract or otherwise, in the division of profits, and shall draw the cars of any of said company or companies over the said Elkhart and Michigan Railroad, with the engines of the said Elkhart and Michigan company, in such a manner as to accommodate said company or companies in the transportation of its freights and passengers, allowing the said company or companies a just and reasonable compensation for the use of its cars; and the width of the track of the Elkhart and Michigan Railroad shall not in any case be changed so as to defeat this object, and any such company shall be entitled to all the benefits of any contract which this company may make with any other company, or persons connected therewith by contract or otherwise.

SEC. 7. As soon as one thousand shares are subscribed, the Board of Directors shall call a meeting of the stockholders at some suitable place at or near the village of Elkhart in Elkhart county, of which due notice shall be given, and the said stockholders shall proceed to determine the route of said road, from the village of Elkhart in the county of Elkhart, eastward through said county; each share of stock being entitled to one vote; and said location, when

so made, shall so remain unalterable; but said vote shall not so be taken until a good and sufficient survey be made of the several proposed routes, and the estimated cost of said routes shall have been made, unless the Board of Directors shall determine that the interests of the said company will be furthered by the vote being taken sooner.

SEC. 8. It shall be lawful for Harris E. Hurlbert, A. R. Harper, and Samuel C. Sample, of St. Joseph county, Ezekiel Morrison. Abraham Leegarden, and Chancy B. Blair, of Laporte county, and their successors, to organize a company to construct a railroad from said Elkhart and Michigan Railroad, through Mishawaka [and] South Bend, to the town of Laporte, to connect with the western division of the Buffalo and Mississippi Railroad Co., who shall possess all the powers and capacities granted to said Elkhart and Michigan Railroad company, and be governed in all things by the provisions of this charter, for the purpose of constructing, running, operating, and managing said road, to said town of Laporte; said persons, or a majority of them, and their successors, may meet at such time and place as they may agree upon, and fix upon some name by which their association shall be called, and the amount of capital stock thereof, which they shall cause to be recorded in the county recorder's office of the counties of St. Joseph, Laporte, and Elkhart. on the filing of which with said recorders, said persons and their successors shall constitute a body politic and corporate, under the name by them [agreed] upon, with all the powers and capacities necessary to carry into effect the objects in this section specified; and such association may from time to time increase the capital stock thereof, as necessity requires. Such association shall commence the construction of the road in this section specified, within two years after the completion of the said Elkhart and Michigan Railroad, and complete the same to the said town of Laporte within five years thereafter; said persons, or a majority of them, or their successors, may open books for subscription to the capital stock of such association at Michigan City, Laporte, South Bend, Mishawaka, and such other places as they may think expedient; but before any organization shall be had by virtue of this section, all of the persons named in this section, and their successors, shall be notified of the time and place of meeting, if they are at the time residing in said counties.

Sec. 9. This act shall be a public act, and shall be in force from and after its passage.

ulty, which shall consist of at least five Professors, who shall be

### Indicated the CHAPTER II.

An Act to authorize the County Commissioners of Daviess county to vacate State Roads therein, and for other purposes.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all public roads and highways, or any part thereof, in the county of Daviess, shall be opened, amended, changed or vacated by the board of county commissioners, whenever they may deem it to be to the interest of the inhabitants through which such public roads and highways pass.

Sec. 2. All laws and parts of laws coming in conflict with the

above, are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

#### CHAPTER III.

An Act to legalize certain acts of the Board of Commissioners of Lagrange county.

#### (APPROVED JANUARY 17, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the acts of the board of commissioners of the county of Lagrange, so far as relates to laying out the following road, be and they are hereby legalized, to-wit: from the post forming the corner of sections twenty, twenty-one, twenty-eight and twentynine, (sec. 20, 21, 28 and 29,) in township thirty-seven, (37) north of range eleven (11) east, and running from the aforesaid section corner post, north along the section line between sections twenty and twenty-one aforesaid, to the intersection of [the] Turkey Creek road, so called.

SEC. 2. This act to be in force and take effect from and after its

#### graduates of some Medical Institution of the United States, and moitourisui require and roll as CHAPTER IV. metermone ad linda on w at sindents in the various departments of Medical Science, which

An Act to incorporate the Eclectic Medical Institute of Indiana. Obstetrics, Medical Jurisprudence, Practice of Medicine, Surgery

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, [That] Joel Loomis, J. Bender, J. S. Cowdry, R. D. Rice, J. A. Taylor, J. P. Andrew, J. F. Merrill, T. Treat, and W. White, and their associates and successors in office, be and the same are hereby created a body corporate and politic, under the name and style of the Eclectic Medical Institute of Indiana, capable of suing and being sued, pleading and being impleaded, defending and being defended in any of the courts of this State.

SEC. 2. That said corporation shall have a common seal, which they may alter or renew at pleasure, and that they shall be authorized to purchase and hold, dispose of and convey property real or personal, in their corporate capacity to the amount of fifty thousand dollars; that said capital stock shall be divided into shares of

twenty-five dollars each as pixed to yours out at begannery rature

Sec. 3. That such [each] of the persons named in the first section of this act shall be authorized to open books and solicit subscriptions of stock, in property or money, to the amount of the capital stock of said corporation.

- Sec. 4. When the sum of ten thousand dollars shall be subscribed to the capital stock of said corporation the stockholders subscribing the same shall meet at some place to be designated by said corporation by giving each stockholder written notice, by mail or otherwise, of the time and place of said meeting, at least three weeks previous to the time appointed therefor, when said stockholders shall proceed to elect by ballot nine trustees, who shall constitute a board for the management of the concerns of said corpo-
- Sec. 5. That the members composing said board of trustees shall be chosen by the stockholders annually on the second Monday of June, a majority of the votes cast being necessary to a choice. and in [casting] their votes each stockholder shall be entitled to one vote for every share of stock held by him up to the number of twenty-five shares, and one vote for every four shares which he may hold beyond that number: Provided, That said trustees when so elected may hold their offices and exercise the duties thereof until their successors are elected and qualified.

SEC. 6. The officers of said board of trustees shall be a President, Secretary and Treasurer, to be chosen by said board out of their own number, and a majority of said board shall constitute a quorum to do business. Sec. 14. That said Institute shall

Sec. 7. That said board of Trustees shall elect by ballot a Fac-

ulty, which shall consist of at least five Professors, who shall be graduates of some Medical Institution of the United States, and who shall be competent to deliver lectures for the proper instruction of students in the various departments of Medical Science, which shall include Anatomy, Physiology, Pathology, Materia Medica, Obstetrics, Medical Jurisprudence, Practice of Medicine, Surgery, Chamistry and Potony.

Chemistry and Botany.

SEC. 8. That the Medical Faculty of this Institution, together with the board of trustees, shall be authorized to confer the degree of Doctor of Medicine upon such persons as this degree is conferred by Medical Colleges generally throughout the United States, under the restrictions and regulations hereinafter provided; and shall have power to make such by-laws, rules and regulations as may be deemed necessary for the government of said Institution: *Provided*, That nothing therein contained shall be inconsistent with the Constitution of the United States and of the State of Indiana.

Sec. 9. That no student shall be allowed to present himself as a candidate for graduation in this Institute, until he shall present to the Faculty thereof satisfactory testimonials of the tollowing requisitions: First, That he is twenty-one years of age. Second, That he is of good moral character. Third, That he has been regularly engaged in the study of Physic and Surgery with some respectable practitioner of practitioners for the term of three years, and that [he] has attended two full courses of Medical Lectures in some legally incorporated Medical College, the last of which shall have been attended in this Institute: Provided, That any person who may have been for four years, next preceding, engaged in a constant and reputable practice of Medicine and Surgery, and shall have attended one full course of Medical Lectures in this Institute, shall be permitted to present himself as a candidate for graduation before the Faculty and Board thereof.

SEC. 10. That the Faculty and Board of this Institute shall not be permitted to grant a Diploma to any applicant who shall not have passed a thorough, critical, and impartial examination on all the branches taught in this Institute; which examination shall be made by said Faculty, and shall include the various departments of

Medical Science enumerated in section seven of this act.

Sec. 11. That the board of trustees appointed by the first section of this act, shall have power to perform all the duties which the said board is hereby authorized to perform, until their successors shall have been chosen and qualified.

Sec. 12. That all vacancies which may occur in said board of trustees may be filled by the remaining members of the board.

SEC. 13. That said board of trustees shall have power to fill all vacancies which may occur in said Faculty at any time, and shall have power to remove any of said Professors, and elect others in their stead, as shall be deemed expedient.

Sec. 14. That said Institute shall [be] considered fully organized so soon as the Medical Department thereof shall be elected and

qualified.

Sec. 15. That the board of trustees shall have power to locate this Institute at any place they may designate in the State of Indiana, North of the Wabash River, within two years from and after the passage of this act, by notice thereof being published three-weeks successively in the State Sentinel and State Journal.

Sec. 16. That each and every stockholder shall be held in his individual capacity for debts contracted by the corporation, while

he may be or shall have been a stockholder in the same.

Sec. 17. That this corporation shall not possess banking powers, and shall be subject to all the regulations and liabilities of the laws governing corporations.

Sec. 18. This act shall be in force from and after its passage.

the call of the President, and in the absence of the President they may call a President my tent into the chair: they shall fill all wacancies that may happen in their body, and may require their officeratio enter into bond and security for the faithful performance of their duties.

## Sice 5.4 The said Direcvr ATTAHO books to be opened for the subscription of stock, at such times and places, and under such reg-

An Act to incorporate the Connersville and Brownsville Turnpike Company.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel D. Trimbly, Henry Rider, and James Boyd, of the county of Union, and John Spivey, Michael Peters, Abraham Conwell, George Frybarger, and Thomas Simpson, of the county of Fayette, in the State of Indiana, and their successors in office duly elected as herein after prescribed, are hereby constituted a body politic and corporate, by the name and style of the "Connersville and Brownsville Turnpike Company," and shall be able and capable in law and equity, to sue and be sued; plead and be impleaded; defend and be defended against; in all and any courts of competent jurisdiction, to make and use such common seal as they may desire, and the same to alter or renew at pleasure; and shall be able and capable to make contracts and enforce the same, and to make and enforce the necessary by-laws and regulations to enable them to carry into execution and effect, the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State. The land state does not selected

SEC. 2. The capital stock of said Company shall be twenty-five thousand dollars, to be divided into shares of twenty-five dollars each, and shall be applied to the construction of a Turnpike road from Connersville in Fayette county, to Brownsville in Union county, Indiana.

SEC. 3. The persons named in the first section of this act shall be Directors of said Company, until others are elected and qualified

as is hereinafter prescribed, and said first named Directors, or a majority of them, shall meet at the Court House in Connersville, at any time they may agree upon, prior to the first Monday of September next, and organize said Company by electing out of their number a President, Clerk, and Treasurer; and after such organization any five of said directors shall form a quorum to transact business.

Sec. 4. Said Company shall have power to appoint and employ Agents, Clerks, Engineers, Surveyors, Superintendents, and all officers and servants necessary and proper to carry into effect this act, they shall keep a journal of their proceedings in which shall be entered all by-laws and ordinances, and all orders for the payment of moneys which may be allowed to their officers, and all others in their employ; and the proceedings shall, when made up, be signed by the President. They may sit on their own adjournments, or on the call of the President, and in the absence of the President they may call a President pro tem. into the chair; they shall fill all vacancies that may happen in their body, and may require their officers to enter into bond and security for the faithful performance of their duties.

SEC. 5.—The said Directors may cause books to be opened for the subscription of stock, at such times and places, and under such regulations as they may think proper, after having first given three weeks notice thereof, in some weekly newspaper published in Fayette county. The said Company may receive subscriptions of stock thereto in money, real estate, labor, or in any other way they may deem proper.

SEC. 6. Whenever real or personal property shall be subscribed in stock in said Company, the same shall be conveyed or delivered to the Company, and may be by them sold at any time; *Provided*, Such sale be at a price not less than the price at which the same was taken by the Company.

SEC. 7. So soon as five thousand dollars in stock is subscribed, and ten per centum thereon paid, it shall be the duty of the directors to give three weeks notice thereof in some weekly newspaper, published in Fayette county, and appoint a time and notify the stockholders to meet and elect nine Directors, who shall be stockholders and residents of the State; which election shall be by ballot, and be conducted under the supervision of an inspector, and two judges, appointed at the time by the stockholders, and the person having the highest number of votes shall be elected, and in such election each share shall entitle the holder to one vote, to be given by the holder in person, or his or her father, mother, guardian, trustee, administrator, executor, agent, or by proxy.

Sec. 8. The Directors to be elected as above, and at all subsequent elections, shall appoint one of their number President, and the President and Directors thus elected shall continue in office until their successors are elected and qualified, and elections shall thereafter [be] held annually on the first Monday in November, or in

case of failure, then at such subsequent time as said directors may think [proper] to appoint.

SEC. 9. The said Company may make a loan of money, and

pledge the effects thereof for the payment of the same.

Sec. 10. Certificates of stock, signed by the President and Secretary, shall be issued to the stockholders as evidence of their stock in said Company, and the said stock may be transferred on the books of the Company. The said Company shall have a lien on any and all the stock, for any dues of any kind to said Company, from any of the stockholders.

Sec. 11. The stock shall be paid in such instalments and at such times as said Company shall direct, of which due notice shall be given to said stockholders, by publication for three weeks successively, in some weekly newspaper published in Fayette county. The books of subscription shall contain the following caption and entry to which each subscriber shall sign his name, and the number of shares subscribed, to-wit:

"We the subscribers promise to pay twenty-five dollars, for each share of stock set opposite to our names, to the Connersville and Brownsville Turnpike Company, in such instalments and at such times as said Company may direct.

Witness our hands this day of

Subscribers' names. | No. of shares.

And should any stockholder refuse or neglect to pay any such instalment when due, the Company may sue therefor and recover judgment for the same, with ten per centum damages thereon; and if said delinquent stockholder shall prove insolvent, said Company may declare said stock, and all that he may have paid thereon, forfeited to the Company. And no delinquent stockholder shall have any right to vote at any election, or receive any dividend on his stock.

Sec. 12. For the purpose of locating and constructing a Turnpike road from Connersville to Brownsville aforesaid, it shall be lawful for said Company to enter upon any lands to make surveys and estimates, and to locate, lay out, and construct said road upon such ground as they may think proper, and to take from the lands lying along and adjacent to said road, all such timber, stone, gravel, and other materials, as may be necessary to the construction of said road; in all cases making to any owner of such materials a fair compensation for the same.

Sec. 13. For the purpose of determining the value of any and all materials taken under the provisions of this act, or the damages sustained by any person or persons on whose lands said road may be located, either said Company or the person claiming damages, or pay for materials as aforesaid, may select one disinterested reputable freeholder, resident of the county, and notify the opposite party to select another, to meet and act as arbitrators in settling and determining the amount of damages sustained, (considering the advantages and disadvantages of such road,) or the value of materials

taken, which notice specifying the time and place of meeting shall be served on the said party, three days before such meeting at least. And said freeholders as arbitrators shall have power to call before them witnesses, papers, &c., to the extent and in like manner as Justices of the Peace have; and if said two arbitrators shall be unable to agree they may select a third man of like qualifications, and then any two of such arbitrators' decision shall stand, unless appealed from to the proper Circuit Court, which appeal is hereby authorized according to the same rules that prevail in appeals from the decisions of Justices of the Peace.

Sec. 14. Said Company shall commence the said road within two years from the date of the approval of this act, and complete the same within five years thereafter; and if said Company shall suffer or permit said road to continue out of repair for any unreasonable time, they shall during such time have no right to collect any tolls thereon; and if after the completion of said road it shall be permitted to get out of repair, and remain so to the great hindrance of travel thereon, unless when the same is undergoing repair, the

charter hereby created shall be forfeited.

Sec. 15. It shall be lawful for said Company, and they are hereby authorized after the completion of said road, to put up thereon one or more toll gates, and to charge as toll thereon, not exceeding the following rates for seven miles of travel thereon, and in proportion for greater or less distance, to-wit: For every four wheel carriage, wagon, or other vehicle, drawn by one animal, eighteen cents; for every horse or other animal in addition thereto, five cents; for every cart or other two wheel vehicle drawn by one horse or other animal, twelve cents; for every additional horse or other animal, six cents; for every sled or sleigh drawn by one horse, ten cents; for every additional horse or other animal thereto, five cents; for every horse and rider, six cents; for every horse, mule, or ass, led or driven, three cents; for every head of neat cattle, two cents; and for each hog or sheep, one cent. Provided, That all persons going to or returning from church, and funeral processions, shall pass free of toll.

Sec. 16. If said company shall at any time contract debts to an amount greater than the stock subscribed, the directors making such contract, shall be individually liable for such excess.

Sec. 17. It shall be lawful for the Legislature to amend or repeal this charter, when any of its provisions are violated.

Sec. 18. This act to be in force from and after its passage.

sustained by any person or persons on whose lands said road may be located, either said Company or the person claiming damages, or pay for materials as aforesaid, may select one disinterested reputable freeholder, resident of the county, and notify the opposite party poterming the amount of damages sustained, (considering the advantages and disadvantages of such road) or the value of materials

# grieved. Sec. 2. The president IV NATRAHO and qualified, shall have juriediction in all cases of Violatin any of the by laws, ordi-

with the clerk for the benefit of the corporation, or any person ag-

An Act to amend an act entitled "an act for the extension of a State road in Laporte county, to Winnemac, in Pulaski connty.

[APPROVED JANUARY 16, 1849.]

force and effect as a docket of a justice of the peace, and parties Section 1. Be it enacted by the General Assembly of the State of Indiana, That Carter D. Hathaway, of Pulaski county, and John Moore, Jr., of Laporte county, be and they are hereby appointed commissioners to view, mark, and locate the State road specified in the act entitled "an act for the extension of a State road in Laporte county, to Winnemac, in Puliski county," approved Jan. 13, 1845, in the place of John T. Vail, deceased, and Andrew Keys, removed from the State, who shall possess all the powers possessed by the said Vail and Keys, and shall be governed in all things by the same laws, rules, and regulations. de add to gees all awo

Sec. 2. That if one of said commissioners shall be appointed and act as surveyor for the commissioners in locating said road, he shall be entitled to draw and receive the [pay] of surveyor in addition to his compensation as commissioner. All persons who have rendered services in locating said road, shall be entitled to receive the usual allowance therefor, after the final report of the commissioners, to be allowed and paid in the same manner as other allowances are made.

Sec. 3. This act shall be a public act, and shall be in force from and after its passage. On wo and publicar available odw

councilmen of said town.

### office, the president pro tempore of the town council shall act as inspector of elections in .HV (NATCAHO all take to his assistance

Sec. 6. On the first Monday in March, and annually thereafter

polls shall be opened at some convenient place within the limits of

said town, for the election of councilmen of said town, ten days no-

tice shall be given by the president of said town of all elections.

two qualified voters of said town, who shall act as judges, and said An Act to amend the charter of the town of Williamsburg, in Wayne county. d faithfully to discharge their

# the dollar dollars (APPROVED JANUARY 46, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That before entering upon the duties of his office the president shall take an oath or affirmation for the faithful discharge of his office, and also give bond with security, made payable to the president and councilman of the town of Williamsburg, in the penalty of one hundred dollars for the faithful discharge of his duties, to be approved by at least five trustees, which bond shall be filed

with the clerk for the benefit of the corporation, or any person ag-

grieved.

Sec. 2. The president, when elected and qualified, shall have jurisdiction in all cases of violation of any of the by-laws, ordinances, regulations, or decrees of the town council. He shall have power to issue process in his jurisdiction, shall proceed in the same manner, and be entitled to the same fees as justices of the peace; he shall keep a docket, which in all respects shall have the same force and effect as a docket of a justice of the peace, and parties before him shall have the same right to a trial by jury, and appeal to the circuit court, as if the suit was instituted and pending before

a justice of the peace.

Sec. 3. It shall be the duty of the marshal to serve and return all process issued by the president, and his power for this purpose shall be co-extensive with the county of Wayne. He shall attend all trials before the president, and shall be entitled to the same fees as constables for like services, and shall, in addition to being the executive officer of the town council, be a peace officer within the town. In case of the absence or inability of the marshal, the president may direct process to any constable of Green township, who may serve and return the same; the said president shall have authority to administer all oaths and affirmations required under

SEC. 4. No person shall be incompetent to be a witness or juror in suits for a violation of any by-law, ordinance, regulation, or decree of the town council, because such person may be a citizen of acid town.

SEC. 5. Every qualified voter of the State, not insane or a pauper, who shall have resided in the town of Williamsburgh for three months next preceding the election, shall be entitled to vote for councilmen of said town.

Sec. 6. On the first Monday in March, and annually thereafter, polls shall be opened at some convenient place within the limits of said town, for the election of councilmen of said town, ten days notice shall be given by the president of said town of all elections.

SEC. 7. The president of said town, or in case of vacancy in his office, the president pro tempore of the town council shall act as inspector of elections in said town; he shall take to his assistance two qualified voters of said town, who shall act as judges, and said inspector and judges shall appoint a clerk of said election, all of whom, after being sworn or affirmed faithfully to discharge their duty as judges and clerk, respectively of each election, which oath the president of said town is authorized to administer, shall proceed to receive the votes between the hours of ten o'clock, A. M., and 4 o'clock, P. M., on the day of the election; Provided, however, That if the president, or president pro tempore, shall fail to attend any election, the voters present may elect an inspector, who shall, after being sworn, proceed in place of said president to hold an election. After the polls are closed, the said inspector and

judges shall proceed to count the votes given, and the said clerk shall keep a correct list of all the votes, and the votes counted. One or before the day subsequent to said election, said inspector and judges, under their hands and seals, shall certify to the existing elerk of the president and councilmen of said town, the names of the persons receiving the highest number of votes for councilmen of said town, and the names of the seven persons receiving the highest number of votes for councilmen, who shall thereupon be declared duly elected, which certificate shall be by the clerk filed and recorded upon the records of the proceedings of the town council.

Sec. 8. When said certificate is filed and recorded, it shall be the duty of said clerk to make out and deliver to the several persons a certificate of their election.

Sec. 9. No person shall be eligible as president or councilman of said town, unless he is a voter of said town.

Sec. 10. The town council shall have power to assess and collect annually against each male inhabitant of said town, who shall be twenty one years of age, sane and not a pauper, a poll tax not exceeding fifty cents.

Sec. 11. All penalties and fines under the by-laws, ordinances, and regulations of the town shall be prosecuted and recovered in an action of debt in the name of the president and councilmen of said town, against the offender, before the president of said town, or any justice of the peace in Green township, with the same costs as in other similar actions before justices of the peace.

Sec. 12. The first process in all such actions to recover the penalty for violating any by-law, or ordinance, shall be a warrant or capias, unless the president shall direct a summons.

Sec. 13. All acts or parts of acts conflicting with this act, be and the same are hereby repealed.

SEC. 14. This act to be in force from and after its passage.

hundred thousand dollars, with the privilege to increase it to three

hundred thousand dollars, to be divided into shares of one hundred

dollars each, and subscribed and paid for by individuals, companies.

# ers and subscribers, and their successors, shall be, and are hereby

An Act to incorporate the Madison Manufacturing and Ship Yard Company.

APPROVED JANURARY 16, 1849.) and based of beneath

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Michael G. Bright, James F. D. Lanier, David E. White, Jesse Whitehead, and ——— Philips, and their associates, successors, and assigns be, and they are hereby, made a corpora-

tion, by the name of the "Madison Manufacturing and Ship Yard Company," for manufacturing purposes, and for the construction of steam boats and other vessels, at the City of Madison, Indiana, and for these purposes shall have all the powers, and be subject to all the duties and requisitions contained in the Revised Statutes of 1843, chapter 32, article 2, respecting corporations.

Sec. 2. That the capital stock of said corporation shall not exceed one hundred thousand dollars, and that said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for their purposes, not exceeding the value of twenty thousand dollars, exclusive of buildings and improvements that may be made thereon by said corporation.

Sec. 3. That the capital stock of said company shall be divided into shares of fifty dollars each, and that said company may proceed to act under this charter so soon as twenty-five thousand dollars of said capital stock is paid in. 1910y a at ad assign give

Sec. 4. This act shall take effect and be in force from and after lect annually against each male inhabitant of said tow. spassag ati be twenty one years of age, sane and not a pauper, a poll tax not

Sec. 11. All penalties and fines under the by-laws, ordinances, and regulations of the town shall be prosecuted and recovered in an action of debt in the name of the president and councilmen of said town, against the offender, before the president of said town, on any justice of the peace-in Green township, with the same costs as in other similar action XI RATTANHO of the peace.

An Act to incorporate the Knox Insurance Company. Story 101 villa

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Section 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be, and hereby is, established in the town of Vincennes, an Insurance Company, with a capital stock of two hundred thousand dollars, with the privilege to increase it to three hundred thousand dollars, to be divided into shares of one hundred dollars each, and subscribed and paid for by individuals, companies, or corporations, in manner hereinafter specified; which stockholders and subscribers, and their successors, shall be, and are hereby created a body politic and corporate, by the name and style of "The Knox Insurance Company," for the period of twenty-five years from and after the passage of this law; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said com-

pany for the security, or in payment of any debt which may become due and owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of any court of equity in their favor: and may have and use a common seal, and the same alter, change, break, or renew at pleasure; and may also make, ordain, establish, and put in execution such by-laws, ordinances, rules, and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: Provided, That no by-laws, ordinances, rules, or regulations of said company, shall in anywise be contrary to the constitution and laws of this State and the United States: And provided also, That said company shall not own or hold, at any one time a greater amount of real estate than shall be of the value of fifty thousand dollars.

Sec. 2. That the said corporation shall have full power and lawful authority to insure all kinds of property against loss or damage by fire, or any other cause or risk; to make all kinds of insurance against loss or damage on goods, merchandise, and produce in the course of transportation or otherwise, whether on the land or on the water, and vessels or boats wherever they may be; to make all kinds of insurance upon life or lives, to lend money on bottomry and to cause themselves to be reinsured against any risk they may have incurred when they may deem it expedient, and generally to do and perform all other necessary matters and things [connected

with and proper to promote these objects.

Sec. 3. That it shall be lawful for said company to invest any part of their capital stock, moneys, funds, or other property, in stocks or funded debts, created, or to be created by or under any law of the United States, or of this or any other State, or in the stock of any chartered Bank of this State, or of the United States, or any branch thereof, and the same to sell and transfer at pleasure and again to invest the same or any part thereof in such stocks or funds whenever the exigencies of said corporation, or a due regard to the safety of its funds may require; or they may loan the same, or any part thereof, to individuals or corporations, or real or personal security for such periods of time and under such restrictions and limitations, and upon such terms as the directors thereof for the time being shall deem prudent and best for the interest of the company: Provided however, Nothing herein contained shall be so construed as to confer upon said corporation banking powers, or to authorize said corporation to receive upon loans made by them more than the legal rate of interest.

Sec. 4. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the administration of its affairs shall be under the management, direction, and control of a board of nine directors, and after the first election they shall be elected on the first Monday in January annually, at such time and at such place in the town of Vincennes as said directors for the time being shall direct, they shall hold their offices for the

term of one year and until their successors shall be chosen, and notice of such election shall be advertised for three weeks next preceding such election, in a newspaper printed in said town, and such election shall be by ballot and a plurality of votes received and counted in public, by and under the inspection of three stockholders not directors at the time to be previously appointed by the board of directors for that purpose, and at every election or other regular meeting of the stockholders held under the provisions of this act, each stockholder shall be entitled to one vote for each share either in person or by proxy: Provided however, No stockholder shall be entitled to vote at any election unless the stock he, she, or they represent shall have been transferred on the books of the said corporation ninety days prior to such election: And provided further, In case it should so happen that an election of directors should not be made on any days, when by this act it ought to have been made, it shall and may be lawful for said company to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

Sec. 5. That the directors duly chosen under the provisions of this act shall, as soon as may be after the first and every annual election, elect from their own body a president, who shall preside in the board until the next annual election; and in case of his death, resignation, or absence, the board shall appoint a president pro tempore; they shall fill all vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under said regulations, restrictions, and limitations not inconsistent with the provisions of this act and the bylaws, rules, and ordinances of said company as the directors for the time being shall prescribe; they shall make such by-laws, rules, and regulations for their own government and for the management and disposition of the stock, property, estate, funds, and business of said company, and all matters thereto as shall be needful and proper, not contrary to the provisions of this act and the by-laws, rules, ordinances, and regulations adopted at any regular meeting or meetings of the stockholders. They shall, in the first week in January and July, annually, make and declare such dividends of the profits resulting from their business as shall not impair or in anywise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: Provided, That no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

Sec. 6. That all policies of insurance, which may be made or entered into by said corporation, shall be subscribed by the president, or president pro tempore, or by such officer as shall be designated for that purpose by its by laws, and attested by the secretary, and being so signed and attested shall be binding and obligatory

on the said corporation without the seal thereof according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on, without the presence of the board of directors, by the president and secretary, subject neverthe. less to the by-laws, rules, ordinances, and regulations established by the board of directors. It shall be the duty of the secretary at every annual meeting of the stockholders to lay before them a correct and particular statement of the condition and affairs of the

Sec. 7. That the stock of said company shall be assignable and transferrable on the books of the same or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations as may be established by the directors, and all such stock shall

be held and considered as personal property.

Sec. 8. That books for the subscription [to the capital stock of said company shall be opened in the town of Vincennes by and under the direction of John Law, Abner T. Ellis, Cyrus M. Allen, Robert N. Carnan, and Joseph G. Bowman, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscriptions in a newspaper printed in said town, and it shall be lawful for any individual, company, or body corporate to subscribe for any number of shares, and such individual, company, or body corporate shall, at the time of subscribing, pay to the said commissioners five per cent. on each share so subscribed, and it shall be the duty of said commissioners, as soon as five hundred shares are subscribed, to give two weeks' notice in some newspaper printed in said town of the time and place for the stockholders to meet and elect the first board of nine directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected shall constitute the first board, and shall continue in office until the next annual election.

Sec. 9. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to the said board of directors all moneys that may be in their hands belonging to said company, and deliver over to them all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance to demand and receive of each stock holder the full amount of the stock by them respectively subscribed, which payment shall be made either in cash or secured to be made by giving real or personal security to the satisfaction of the directors, and if any stockholder shall fail to make such payment or give such security as aforesaid within thirty days after the election for directors, such stockholder shall forfeit to the company the amount paid on such stock at the time of subscribing: Provided, That the said corporation shall not commence business or grant any policies of insurance until fivehundred shares are subscribed and paid for, or secured to be paid as aforesaid; all the remaining balance of the stock shall be offered for sale at such time and place and on such terms as the directors for the time being may from time to time direct.

Sec. 10. That whenever said corporation shall be notified of any loss sustained or incurred in any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or incurred on [in] such policy within sixty days after being so notified, provided there shall have been no violation of the condition of the policy on the part of the insured. The stockholders may at any regular meeting either increase or diminish the number of directors: *Provided*, That there never shall be more than thirteen nor less than five, and four directors shall constitute a board for the transaction of business, and may organize the said company.

Sec. 11. That the president and directors of said company shall be jointly liable individually for all debts other than and excepting for risks upon polices of insurance, which said company may contract and be owning at the time such liability may occur, over and above its solvent stock: *Provided however*, Such individual liability shall not be enforced until the assets of the company shall be first proceeded against and exhausted.

Sec. 12. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

### examination of the CHAPTER X.

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An Act to locate a State road in the Counties of Switzerland and Hancock.

#### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Jacob R. Harris, Hiram Robertson, and Hiram Vandoren, of the county of Switzerland, be and they are hereby appointed commissioners to view, mark, and lay out a State road from Malin's Ferry on the Ohio river, by way of Alexander Sebastain's, on the nearest and best route to intersect the State road leading from New York (now Florence) to the Madison and Lawrenceburgh State road, at or near the residence of William J. Keeney, on the north-west side of said residence.

SEC. 2. Said commissioners, or any two of them, shall meet at said ferry at such time as they may choose before the first of March,

1849, and after having been duly sworn to faithfully discharge said duty, they or a majority of them shall proceed to view, mark, and lay out said road on the nearest and best ground, having regard to private property, and the interests of persons through whose lands said road may run.

SEC. 3. Said commissioners shall take to their assistance a competent surveyor and chain carriers, and when said road shall be viewed, marked, and laid out by actual survey, they shall make report thereof to the board of county commissioners at their next meeting thereafter, describing said road as surveyed and laid out by course and distance, and it shall be the duty of said board of county commissioners to allow and pay said commissioners, surveyor, and chain carriers, a reasonable compensation for their services, out of the county treasury.

Sec. 4. It shall be the duty of the several supervisors through whose districts said road may run, so soon as the same shall be recorded by the county auditor, among the records of the proceedings of the board of county commissioners; to call out a sufficient number of hands, and cause said road to be opened for travel; Provided, however, That said road shall not be opened through any field whereon there is a crop growing, until the same shall have been harvested.

SEC. 5. That so much of the Indianapolis and New Castle State road as lies in Hancock county, and that now passes over the N. E. quarter of section 21, be and the same is so changed as to continue on the west line of said quarter section, until it intersects the county road that runs along the north line of the same, thence east to Fenell's school-house.

Sec. 6. This act to take effect and be in force from and after its passage.

#### CHAPTER XI.

An Act to authorize a survey and the making of a plat of the town of Troy, in Perry County.

### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of the county of Perry be, and they are hereby authorized and required to appoint three persons, citizens of said county, as commissioners, to make a resurvey and a new plat according to such survey, of the town of Troy in said county.

SEC. 2. The said commissioners so appointed shall employ a competent surveyor, who in conjunction with themselves shall survey the streets and alleys and inlots of said town, as now located and known; they shall give names to each of said streets, and determine the length and width of the said streets, alleys and lots, but shall not make them either wider or longer, or narrow or shorter, than they now are generally recognized and reported [reputed] to be by the owners of the lots in said town.

SEC. 3. That said commissioners so appointed, with the assistance of said surveyor, shall, immediately after such survey, proceed to make a plat of said town, specifying the length and width of each street and alley, and the name of each street, and the length and width of each of the said lots, and the number thereof as now numbered, which plat they shall lay before the said board of county commissioners at their next term thereafter, who shall approve the same, if they consider that it has been legally and correctly made according to the conditions and requirements of this act; and when so approved the said plat shall be entered of record in the recorder's office of said county, and when so recorded shall be, and is by this act, declared to be the only legal plat of said town, and shall constitute the only legal evidence of the location, size, name, and number of the said streets, alleys, and in-lots of said town.

SEC. 4. The commissioners so appointed shall cause durable monuments to be placed on the north-west corner of in-lot number nine (9); on the north-west corner of in-lot number eighty-eight (88); on the south-west corner of in-lot number thirty-three (33); and on the south-east corner of in-lot number forty-four (44) of said town; by which monuments the location of said streets, alleys, and lots shall, hereafter, in cases of doubt be determined.

SEC. 5. The board of commissioners of said county shall make such allowance to each of said commissioners so appointed, to the said surveyor and the recorder of said county, and for the said monuments, as they deem just and right, and shall cause the same to be paid in the same manner as other expenses of said county are paid, and if they choose may re-imburse the same to the said county, by levying a tax on each of the in-lots of said town, according to their assessed value as will be sufficient to repay the same: Provided, nevertheless, That the citizens of said town may, by so levying contributions, repay the same.

SEC. 6. The said board of county commissioners shall appoint said three commissioners at their next June term in 1849, who shall make said [survey and] plat within four months after their said appointment.

SEC. 7. This act shall be in force from and after its passage—deemed and taken to be a public act.

#### CHAPTER XII.

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An Act to repeal an act entitled "An act to repeal an act entitled an act defining the duties of County Treasurers, passed January 13, 1845," approved February 14, 1848, relative to the Counties of Fulton and Marshall.

#### [APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the act entitled "An act to repeal an act entitled an act defining the duties of county treasurers, passed January 13, 1845," approved February 14, 1848, be and the same is hereby repealed, and the act thereby repealed, is hereby revived and declared to be in full force.

Sec. 2. This act shall be in force from and after its passage.

#### CHAPTER XIII.

An Act to change the manner of electing the Marshal of the borough of Vincennes.

#### (APPROVED JANUARY 16, 1849.)

Section. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter the marshal of the borough of Vincinnes shall be elected by the qualified voters of said borough at the annual election held in said borough, for the purpose of electing a president and trustees of said borough, and said marshal when so elected shall be subject to the same laws, rules, and regulations at present in force, regulating and defining the duties and liabilities of marshal of the borough of Vincennes.

Sec. 2. This act shall not take effect or become a law, until it shall have received the sanction of the majority of the legal voters of said borough at the next annual election for president and trustees of said borough, to be holden after the passage of this act, and and at such election the voters shall write upon their ballots "adopted" or "rejected," and if a majority of the votes taken are in favor of adopting this amendment, then the same shall be in full force and become a law, and it is hereby made the duty of the president and trustees of said borough to order an election of marshal under this act, within thirty day from said annual election; but if a majority of the qualified voters of said borough, voting at said an-

manible highway, and is said order, establish delinitely,

nual election, are not in favor of adopting this amendment, then and in that case it shall be void and not take effect or become a law; and it is hereby made the duty of the Secretary of State to make out and forward a certified copy of this act to the president of the said borough.

#### CHAPTER XIV.

An act for the relief of John Smith of Owen County.

[APPROVED JANUARY 16, 1849.]

Whereas, It is represented to this General Assembly that the wife of John Smith, of Owen county, is insane, and by reason of such insanity, is incapable of uniting with her said husband in the conveyance of real estate of which he is seized in fee. Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That any deed duly executed by said Smith, for the conveyance of any real estate of which he is seized in fee, shall be sufficient to convey to the grantees, their heirs and assigns, all the right, title, and interest of the wife of said Smith, in the premises, so conveyed, and shall operate as a total extinguishment of her right of dower, in the premises so conveyed. Provided, that the said sale and conveyance of said real estate shall not be valid until the probate judge of said county shall approve the same in writing on the back of said deed of conveyance. And before such approval shall be made, said judge shall be satisfied that such conveyance is not made with a view and will not wrongfully deprive the wife of said Smith, of her right of dower in said real estate.

SEC. 2. This act to take effect and be in force from and after its passage.

Size, 2. This art shall not take or become a law, with it shall have received the sanction of the majority of the bend voters of said horough at the next snaud election for president and tunsties of said horough, to be helden attenting passage of this net, and and at such election the voters shall ratio upon tire ballots "adopted" or "rejected," and it a majority of the votes taken are in favor of adopting this amendan at, then the said, shall be in fulforce and become a law, and it is hereby made the duty of the president and trustees of said borough to order an election of marshall ander this act, whim thirty day from said annual election; but if a majority of the qualified voters of said borough, voting at said annual and at said annual ann

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An act in relation to a State Road.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That David Shannon, of the county of Montgomery, be appointed commissioner to survey, mark, and locate a State road commencing at a point in the south east part of the town of Crawfordsville, in Montgomery county and State of Indiana, in or near the present traveled route of what is called the Crawfordsville and Danville State road, and running thence in a south east directionalong and upon the travelled track of said road, as the same was travelled and used up to the first day of August, 1847, and terminating at North Salem, in the direction of Danville, in Hendricks county, of said State.

Sec. 2. Said commissioner shall proceed on the first day of February next, or some subsequent day, prior to the first day of Maynext, after having taken an oath faithfully to perform the duties enjoined of him by this act, to survey, mark, and locate said road according to the terms of the first section of this act, commencing at Crawfordsville, and shall be authorized to select a sufficient number of chain carriers and markers for that purpose; and shall, within thirty days after making said location, cause a report of so much of said road as lies in Montgomery county, to be filed in the auditor's office of said county, and so much of said road as lies in the county of Hendricks, to be filed in the auditor's office of said Hendricks county; and said auditors respectively shall record said report in the record books of the Boards doing county business.

Sec. 3. Should any vacancy happen by death, resignation, or otherwise of said commissioner, the Board doing county business, where the same occurs, shall fill said vacancy, at the next session of the Board, after the same shall occur, if said Board shall meet before the time fixed for the commencement of said location. But in case there should be no meeting of the board, then the auditor of said county shall make said appointment, and the commissioner so appointed, shall proceed in like manner as the commissioner named in this act; and said commissioner shall be entitled to the sum of two dollars per day, while necessarily employed in said location, and the chain carriers and markers shall each receive the sum of one dollar per day, which said sums shall be paid out of the county treasuries of the respective counties, upon the claims being audited by the respective county auditors.

SEC. 4. It shall be the duty of the Boards doing county business for the counties through which [said] road may pass, to order the said road to be opened not exceeding sixty feet wide, and to declare the

same a public highway, and in said order, establish definitely, the width thereof, upon the route laid down by said commissioner.

Sec. 5. This act take effect and be in force from and after its passage.

#### CHAPTER XVI.

An act to incorporate the Montezuma Canal Lock Company.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel A. Jones, William Utter, Melvin P. Lowry, Morris Hughs, Walter C. Donaldson, Joseph Walters, Joseph A. Wright, and R. K. Harris, with their associates, be, and they are hereby constituted a body corporate, and politic, by the name and style of the Montezuma Canal Lock Company, for the purpose of constructing a side cut and locks connecting the Wabash and Erie Canal with the Wabash river at Montezuma, in Parke county, and they and their associates shall continue in office and have perpetual succescion, for the term of seventy-five years, from and after the first day of May next, and by that name and style are hereby made capable in law, to contract and be contracted with, to sue and be sued, plead and be impleaded, as a natural person is in this State and elsewhere, and shall be so recognized in courts of law and equity, and to have and use a common seal, and to alter and change the same at pleasure, they shall also in their corporate name, for the use of said corporation, have the right to purchase and hold sufficiency of real estate, for the full enjoyment of all the privileges herein and hereby granted, and also the power to ordain and establish such by-laws, ordinances, and regulations as shall be deemed necessary for the furtherance of the objects of this incorporation, not inconsistent with the laws and constitution of this State. Before said company shall have the right to tap the said canal, they shall first have obtained the consent, (in writing,) of the trustees of the Wabash and Erie canal: provided, however, That the said company shall not draw water from the main line of the Wabash and Erie Canal for the use of said side cut canal, so as to materially injure the navigation of said main line of canal.

Sec. 2. The capital stock of said incorporation shall consist of twenty thousand dollars in shares of fifty dollars each, to be subscribed for, or sold in the manner hereinafter mentioned: provided, the amount above stated, shall be insufficient to complete the work,

then said capital stock may be increased to a sum sufficient for that purpose.

SEC. 3. That any time after the passage of this act, the before named persons shall meet at the town of Montezuma in Parke county, or a majority of them, and elect a president out of their body, and a secretary, who may or may not be one of their body, whose duty it shall be to record all the orders and proceedings of said board, and proceed to make such arrangements for opening books for the subscription of stock, and may appoint such person or persons to receive subscriptions of stock, at such times and places, and in such manner as they may order and direct, and shall moreover make such orders for the payment of instalments on stock as they may

think to be for the interest of the corporation.

Sec. 4. When the sum of three thousand dollars of the capital stock hereby authorized, is subscribed, it shall be the duty of the Secretary of said board, or the president, in case of the absence of the secretary, to give notice in a newspaper, or by written advertisement, or actual notice to the stockholders in said corporation, and shall in said notice, fix a time and place for the meeting of the stockholders in said incorporation, for the purpose of the election of directors of said company, who shall be elected out of the stockholders by the stockholders, and shall be called the "board of directors of the Montezuma Canal Lock Company," and the election of directors shall be conducted as the persons hereinfore named shall ordain, and each stockholder shall have a vote for each share he may have less than five, and for each two shares more than five and than ten, one vote, and for each four shares more than ten, one vote, to be given in person, or by proxy, in such manner as the by-laws shall provide; and that when five directors shall be chosen, they shall proceed to elect a president from the number, and to elect a secretary, who may be a stockholder, but not of the directors, whose duty it shall be to record the proceedings of said board, and the directors so elected shall continue in office one year from the time they are so elected, and a majority of them shall constitute a board competent to transact the business of the incorporation, and shall have full power to establish rules and by-laws for said company, and to establish such rules for the government of themselves and the stockholders, as to them may seem meet.

SEC. 5. When the board of directors shall be organized, the concerns of the incorporation shall be under their control and direction, and the president and two directors shall constitute a quorum competent to transact business, or in the absence of the president, any three of the directors, one of them [whom] shall act as president protempore, and the president and directors after they shall have been organized as aforesaid shall have power to supply vacancies in the office of secretary, to meet from time to time as may be expedient, to adopt such rules and regulations, and make such by-laws as in their judgment the business and the affairs of the company may require, and which are necessary to perform the duties and carry out

the powers granted by this act, to appoint such subordinate officers, engineers, artists, agents, and workmen, as shall be necessary to exercise the business of the company, to demand at such time and in such proportion as they shall see fit, the sums of money due by the stockholders, on their respective money subscriptions of stock under pain of forfeiture of the shares of their stock, and all previous payments thereon, to the said company, or to sue therefor and recover the amount due in an action of assumpsit at their option, to issue proper certificates of stock to the stockholders, and determine in what manner and under what restrictions their shares of capital stock shall be transferable, to fix the compensation and prescribe the duties of the several officers and agents in the employ of the association to requires such bonds, obligations, and securities of the various officers appointed to carry out the provisions of this act, as may be judged necessary to open and continue open as long as necessary, books for the subscription of additional stock in said company to acquire, purchase, sell, lease, and dispose of real estate for the use of the company aforesaid for the purposes and in the manner hereinafter described, to decide upon all locations of the works undertaken by said company, and establish and construct machine shops, toll houses, and all other necessary structures, fixtures, machinery, and apparatus, to order cause and to be made all surveys, estimates, and lettings of works, at such times and places as they may determine to prescribe such forms of contracts, rules, regulations, and specifications, for the performance of work, as they may judge proper, to enter upon and take possession of any lands and streams of water, which may be necessary for the construction of said work and to make the same available, to regulate the time and manner in which all boats, crafts, vehicle travel, or property, shall pass on said work or works to hold, use, lease, and occupy any toll-houses, machine-houses, warehouses, structures, fixtures, apparatus, to establish and collect the amount of tolls and transit duties for travel and transportation, to make and declare (deducting costs and charges) a dividend of clear profits and income on said work or works and appurtenances among the stock holders, at such times as may be deemed expedient, and do all other necessary and proper acts, in accordance with the intent and meaning of this act.

Sec. 6. Any vacancy that may occur in the board of directors shall be filled by the residue of said board, at their next meeting

after such vacancy occurs.

SEC. 7. That if any person or persons shall wilfully and knowingly do any act or thing whatever, whereby the said lock or locks, or any thing thereto belonging, shall be injured or damaged, the person or persons so offending shall forfeit and pay three times the amount of the damage sustained, with costs of suit, recoverable before any court of legal and lawful jurisdiction, and any person or persons who shall pass, or attempt to pass, said canal and locks, without paying the tolls, or tendering it, if any person be present to-receive it, shall forfeit and pay three times the amount of the toll or

tolls, which he or she or they were liable to pay for passing said locks, recoverable before any court having competent jurisdiction in this State.

SEC. 8. The president and directors of said company shall be liable in their individual capacity for all debts contracted in the prosecution of said work, over and above the amount of solvent stock secured to the company. And the Legislature reserves the right to alter, amend, or repeal this charter whenever its privileges shall be violated.

Sec. 9. This act to be in force from and after its passage.

#### CHAPTER XVII.

An act for the relief of the heirs of William Whaling, deceased.

(APPROVED JANUARY 15, 1849.)

Whereas, it is represented to this General Assembly, that John Whaling is the Guardian of the persons and estates of the minor heirs of William Whaling, deceased:

And Whereas, There are certain moneys due the said minor heirs in the State of Georgia, now in the hands of the executor of one Nathan Whaling, the grandfather of the said minor heirs, now

deceased:

And Whereas, By the laws or Georgia it is requisite that satisfactory evidence be given that the guardian of said minor heirs has given bond and security to the proper authorities in the State of Indiana for the faithful guardianship, in double the amount of the money in the hands of said executor over and above the sum in which said guardian may be bound for the guardianship of the property of Indiana before said guardian will be authorized to recover and receive said money in the State of Georgia—for remedy whereof,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That said John John Whaling, the guardian of said minor heirs, in addition to the bond already filed for the faithful execution of his trust as such guardian be authorized and required to file another bond in the Pike Probate Court in double the amount of money so coming to said heirs in the State of Georgia, to the satisfaction and acceptance of the Judge of said Pike Probate Court for the faithful execution of said guardianship, and the clerk of said Pike

Probate Court is hereby required to certify such facts under his hand and seal of office affirming the sufficiency of [said] security as aforesaid.

Sec. 2. This act to be in force from and after its passage.

#### CHAPTER XVIII.

An Act to incorporate the Rushville Female Institute,

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Horatio G. Sexton, Joel Wolfe, William H. Martin, Jefferson Helm, Jesse D. Carmichael, and David M. Stewart, of the county of Rush, and State of Indiana, and their successors in office be, and they are hereby constituted a body politic and corporate and shall be known by the name and style of the Trustees of the Rushville Female Institute, and by such corporate name may sue and be sued, plead and be impleaded in any court in this State, and by that name have perpetual succession, and be capable of purchasing, holding, selling, and conveying any property, either real, personal or mixed, for the use of said Institute not to exceed in value five thousand dollars.

Sec. 2. It shall be lawful for said Trustees to hold meetings at such places and at such times as they may deem necessary; to sit on their own adjournments, or the call of the proper officer, or a majority of such Trustees, and to appoint their own officers, and to fill vacancies in their own body, and to establish such rules and bylaws as a majority of said Trustees may deem expedient.

Sec. 3. Said Trustees shall have power to require of the pupils such public examination at the close of each year as to them may appear proper; and confer such testimonials of scholarship as pupils may be entitled to receive.

Sec. 4. The Trustees shall have power to receive subscriptions and otherwise devise means for raising funds amply sufficient to pay teachers that may be employed from time to time in said Institute.

Sec. 5. Said Trustees or a majority of them, shall have power to pass all needful by laws for the regulation of their officers, alteror amend them at their pleasure, and shall have all power necessary to carry out the objects of the Institute.

SEC. 6. This act shall be deemed a public act and shall be liberally construed, and shall be in force from and after its passage and publication.

#### CHAPTER XIX.

An act for the relief of the heirs of Alexander Smith, late of the county of Adams, deceased, and also for the relief of Samuel H. Gregg.

[APPROVED JANUARY 16, 1849.]

Whereas, Alexander Smith, late of the county of Adams, deceased, did, some time prior to his decease, execute his last will and testament, and after the execution thereof, two of the legatees therein named, as also the said Alexander Smith, departed this life; and the heirs and legatees of said deceased, for the purpose of saving trouble, expense, and cost, the said estate not being indebted or owning anything and having but few claims owing to it, entered into an amicable agreement, setting out in said agreement the said will, by which they agree that Samuel Smith, one of the legatees, and the executor named in will, shall settle said estate and distribute the property according to the intentions and provisions of the said will, and that said agreement, with certain vouchers filed and admitted to record in the probate court of said county, shall be a final settlement of said estate. Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the acts and doings of the said Samuel Smith, in relation to the settlement of said estate, are hereby legalized, ratified, and confirmed; and the probate court and clerk thereof of the said county, are hereby directed to allow a final settlement of said estate, by admission to the files and records of said court. The said agreement and vouchers, which is hereby declared a settlement of said estate.

SEC. 2. That the Secretary of State of the State of Indiana, be and he is hereby authorized and directed to make a good and sufficient deed of conveyance to Samuel H. Gregg, of Woodford county, in the State of Kentucky, conveying to the said Samuel, lot No. 11, in square No. 46, in the town of Indianapolis, upon the application of said Samuel H. Gregg, or his legally authorized agent.

Sec. 3. This act shall take effect and be in force from and after its passage.

#### CHAPTER XX.

An act to attach additional territory to the county of Laporte and for other purposes.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the territory which now belongs to St. Joseph county, described as follows: Beginning at the present county line, at the north west corner of section twenty-two (22,) township thirty-seven (37,) north, range one (1,) west, thence with the north line of said section, and that of section twenty three (23,) to the north east corner of said section twenty-three (23,) thence south with the section line, until it shall strike the Great Kankakee river, thence with said river to the present county line, may be attached to the county of Laporte, upon the conditions following:

SEC. 2. That all officers residing within said territory shall serve out their regular term of office as though no change had been made, and that all suits, actions, and other proceedings either in law or equity, commenced before the taking effect of this act in any of the courts of the said county of St. Joseph, shall be proceeded in to final judgment and execution, as though no change in boundary had been made.

SEC. 3. That the board doing county business in and for said county of Laporte, be and they are hereby authorized, at their first, or any subsequent meeting after the taking effect of this act, to attach the said territory to any of the townships in the said county of Laporte.

Sec. 4. The county commissioners of said county of St. Joseph, shall, and they are hereby authorized to decide at their regular June term, 1849, whether said territory shall be attached as aforesaid and, if said commissioners decide in favor of the change aforesaid, then and in that case, the aforesaid change shall take place, and be in full force from and after said decision, which decision shall be recorded on the record of the county commissioners aforesaid, but, in case said board of county commissioners do not decide in favor of attaching the territory as aforesaid, to the said county of Laporte, then and in that case the said territory shall be and remain [as it now is] a part and parcel of said county of St. Joseph.

Sec. 5. This act shall take effect and be in force on and after the first day of February, 1849, and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerks of the circuit courts of the aforesaid counties of St. Joseph and Laporte.

#### CHAPTER XXI.

An act defining the duties of Congressional Township Trustees of Daviess County.

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the trustees of the Congressional townships in the county of Daviess, are hereby empowered to lease any of the school lands in their respective townships, in the county aforesaid, for any term of time not less than five nor more than seven years.

Sec. 2. This act to be in force from and after its passage.

#### CHAPTER XXII.

An act to incorporate the town of Anderson, in Madison county, and to amend the act incorporating the town of Greenfield, in Hancock county.

#### (APPROVED JANUARY 17, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John Davis, Esq., P. H. Lemon, Adam Reed, W. G. Atherton, and Brazelton Nowland, be and they are hereby appointed, trustees of the town of Anderson, in the county of Madison, to serve as such until the first Monday of February, 1850, and until their successors are elected and qualified as hereinafter directed.

SEC. 2. That the trustees aforesaid at their first meeting under this act shall elect a president from their own body, whose duty it shall be to preserve order, and put all questions before them, and upon equal division of the board give the casting vote, and at the close of each meeting shall sign the minutes of the same and said trustees, shall also at their first meeting appoint officers necessary to carry into effect the provisions of this act, and make such compensation to such officers as a majority of the board shall deem reasonable.

Sec. 3. That said president and trustees of said town of Anderson, and their successors in office, shall be, and they are hereby constituted and declared a body, to be a body politic and corporate with perpetual succession, by the name and style of "the President and Trustees of the town of Anderson," and by their corporate name shall be capable in law and equity to sue and be sued, plead and impleaded, answer and be answered unto, defend and be de-

fended in any court having competent jurisdiction, and shall have power to make, have, and use a common seal, and the same to alter, amend, and break at pleasure, to ordain, establish, and put into execution and carry into effect such by-laws, rules, ordinances, and regulations necessary and proper for the benefit, convenience, good government, and police of said town.

Sec. 4. That said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as they shall deem necessary, should they deem it expedient so to do. And on the first Monday of February, annually, there shall be an election at some convenient place in said town, to be designated by said president and trustees, to be elected by ballot five trustees of said corporation, at which each white male inhabitant of said town, who shall have the qualifications of a voter for State and county officers, and shall have resided in said town three months next preceding such election, shall be entitled to a vote at the same, ten days previous notice of which election shall be given by the President and and trustees aforesaid by written notices posted up in three of the most public places in said town designating the time and place of holding such election.

Sec. 5. It shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature and also sign the records of all by-laws and journals and minutes of their proceedings, and at the first meeting of the president and trustees after taking effect this act, and 'after each annual election as soon as may be convenient, they shall elect or appoint a clerk, and treasurer, and also a marshal of said incorporation, [should] shall they think it expedient so to do, each of whom shall serve for one year, and until their successors shall be chosen and qualified, and shall possess the qualifications of voters, and take a similar oath of the trustees, give bond and security payable to said president and trustees, conditioned for the faithful discharge of their duties, respectively, and on failure to perform all or any of the conditions of said bond, they shall be liable to the suit of the president and trustees aforesaid on said bond, or against them and their securities, who may assign breaches upon (the) conditions (of said) bonds, and recover a judgment for any default in the discharge of the duties of said officers, together with full costs of suit and six per centum damages, if suit be brought for the non-payment of any sum of money due said corporation, in any court having competent jurisdiction, and on which judgment there shall be no stay of execution.

SEC. 6. The president and trustees shall have power to levy, annually, and collect a tax on real property within the plat of said town, not exceeding one-half of one per centum on its valuation, including improvements, and all shows and amusements, which may be exhibited for gain, not less than two nor more than ten dollars for each exhibition, and may levy a tax on each special article or articles of personal property, a poll tax on each qualified voter not exceeding fifty cents.

SEC. 7. The President and trustees shall have power to pass such laws and ordinances or decrees as may be necessary to guard against damages by fire, to organize fire companies and govern the same, to regulate markets, prevent the erection of nuisances and remove the same, to make and keep in repair public wells, and shall have the sole power to keep in repair all streets, alleys, and drains, and regulate the same agreeable to the plan of said town, and generally enforce by proper penalty the observance of all laws, ordinances, &cc., relative to the police of said town.

SEC. 8. The limits of said town shall for the purposes of taxation and police, extend to and embrace the boundary of the original town plat, together with the new addition or additions added to said town, that have been subsequently added.

Sec. 9. The President and trustees in the month of May, in each year, may appoint an assessor, who shall take an oath of office, after which he shall proceed forthwith to make a fair list in alphabetical order, of all persons subject to taxation together with such property, as the president and trustees may direct him to list, of all lots and fractions of lots, particularly noting the number and fractions, a descriptions thereof, the owner's name, if known, whether resident or non-resident, and after having completed such list, he shall take to his assistance two freeholders, who, having taken a like oath as the assessor, shall proceed to value the same, and such assessor shall, on or before the first monday in June next succeeding, make a return of such assessment to the clerk of the corporation.

SEC. 10. The president and trustees shall in the month of June, in each and every year, levy a tax on the property so assessed and returned by the assessor, and appoint a collector to collect the same, who shall take an oath of office, give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully discharge his duty and pay over to the treasurer of said corporation all the money that may come into his hands as such collector, and shall hold his office for one year, unless sooner removed.

SEC. 11. The president and trustees shall cause the clerk to make out a fair copy of such assessment list, setting forth the amount of tax charged on each poll, and each item of property, and shall deliver the same to the collector on or before the fifteenth day of July, annually, and certify the amount of tax contained in such duplicate to the treasurer; such duplicate so put into the hands of the collector, certified by the president and certified by the clerk, shall be sufficient authority for the collector to collect the taxes charged thereon.

SEC. 12. It shall be the duty of the collector to receive the amount of taxes due from each individual on or before the first Monday in October in each year, and in all cases when the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed to collect the same by distress and sale of any of the personal property belonging to such delinquent, subject to

execution by the laws of the State, by giving ten days' notice of the time and place of sale by advertisements, set up in three of the most

public places in said town.

Sec. 13. In all cases where the taxes are due and owing cannot be made of the goods and chattels of such delinquents, it shall be the duty of such collector to make sale of the lots or fractions of lot belonging to such person, or so much thereof as will pay the taken and costs due, by giving three weeks' notice of such sale by posting up advertisements in three of the most public places in said town one of which on the court house door, describing said lots by number together with the owner's name, if known, or the person's name to whom it is supposed to belong. The collector shall on the day of sale by proclamation proceed to sell the lot or lots to the highes bidder: Provided, said lots shall not bring less than one half its appraised value, then and in that case the owner of said lots shall have the privilege of redeeming the same, at any time, within two years from and after the said sale of lots, by paying the amount due on said debt with ten per centum damages thereon.

Sec. 14. It shall be the duty of the collector to make return on his proceedings within three days after the sale of any personal

property or real estate aforesaid.

SEC. 15. All bonds given by the corporation, and all contract entered into with the corporation, shall be in the name of "the President and Trustees of the town of Anderson," and all suits commenced for the benefit of the corporation, or when the corporation shall be the defendant, shall be in the name of "the President and Trustees of the town of Anderson," without setting out the name of

any member thereof.

Sec. 16. For the better government of the town, the presiden and trustees are hereby authorized to pass and adopt laws and or dinances for the suppression of immorality, intoxication, rioting, or whatever else may detract from the peace and good order of the said town, and for the purpose of carrying into effect the provision of this act the president and trustees are hereby authorized to appoint a marshal, who shall within the bounds of said corporation be a peace officer, and in the service of all persons [process] within the bounds of the corporation, in which said corporation may be a party the marshal shall have the same authority, and be subject to the same responsibility as a constable.

Sec. 17. All laws and ordinances passed by the president and trustees of a public nature shall be published, by setting up written or printed copies thereof in three of the most public places in the corporation, ten days before the same shall be in force; and it shall be the duty of the said president and trustees to fill all vacancies which may occur in the board, they shall cause a full statement of the expenditure of the past year, annually, on the first day of March, to be posted up in three of the most public places in said town.

Section 18. Be it enacted by the General Assembly of the State of Indiana, That so much of Hancock county as is contained with

in the following boundaries, to-wit: commencing on the north east corner of the west half of the south west quarter, of section number thirty-three, in township sixteen, range seven east, thence due south to the south east quarter of the west half of the north west quarter, of section four, township number fifteen, range seven east, thence west from said corner to the south west corner of the east half of the north west quarter of section number five, township number fifteen, range seven, thence in a straight line to the south west corner of the east half of the south west quarter, of section number thirty-two, township number sixteen, range seven, thence in a straight line to the north east corner of the west half of the south west quarter of section number thirty-three, in township number sixteen, range seven east, is declared to be within the corporate limits of Greenfield in said county.

Sec. 19. Any [person] who shall unlawfully in a rude, insolent, and angry manner, touch, strike, beat, or wound another, shall forfeit and pay the sum of five dollars.

Sec. 20. If two or more persons shall fight by an agreement, each shall forfeit and pay the sum of five dollars.

Sec 21. If any person shall be found quareling, making a great noise, or in any wise disturbing the peace of citizens of said corporation, or any citizen therein, shall forfeit and pay five dollars.

Sec. 22. If any person shall lead, ride, or drive any animal or animals over or across any side way or walk in said town, other than at the regular crossway place, or pass over the same into his own premises, shall forfeit and pay five dollars.

Sec. 23. Any person who shall sell or offer to sell any unwholesome provisions, within the corporate limits of said town, and knowing the same to be unwholesome, shall forfeit and pay the sum of

ten dollars.

Sec. 24. If any person shall challenge any other to fight, he

shall forfeit and pay five dollars.

Sec. 25. If any owner of animals that shall have died within the corporate limits of said town, should after knowing of the same to be dead, shall suffer the same to remain within the corporate, after the expiration of twelve hours after its death, he shall forfeit and pay the sum of ten dollars.

Sec. 26. Any person suffering water to run from his well or pump into any street or alley of said town, so as that the same causes mud or other obstruction to accumulate in said street or alley, shall forfeit and pay five dollars for each and every day he shall so permit, cause or suffer the same so to run upon, or into any street or alley.

Sec. 27. Any person who shall ride or drive any animal on the streets or alleys of said town at a faster or more rapid gait than a

usual pace or trot shall forfeit and pay five dollars.

Sec. 28. Any person who shall suffer any obstruction to remain in front of the property in his possession, so as to obstruct the pas-

sage of teams or persons, shall forfeit and pay five dollars for each day he so suffers the same to remain.

Sec. 29. Any person who shall obstruct any street or alley in said town, so as to make it inconvenient for persons or teams to pass, shall forfeit and pay five dollars.

SEC. 30. Any person who shall in any wise so injure the fence that may be around the grave yard within the corporation, or shall injure any railway, stone, or other fixture in and about any grave in said yard, shall forfeit and pay three-fold the value of the injury done.

SEC. 31. Any person subject to pay a poll or other tax for corporation purposes, being called upon by the assessor of the town, fails to give a true account of his property subject to taxation as aforesaid, shall forfeit and pay ten dollars.

Sec. 32. For the exhibition of any managerie or circus within the corporation, the person so exhibiting said circus or managerie shall pay to the treasurer of said town, for the use of said town, the sum of seven dollars and fifty cents for each day of said exhibition, and the person shall first procure the certificate of the treasurer of said town that said license has been granted.

SEC. 33. All the forfeitures herein provided for shall be recovered in an action of debt in the name of the president and trustees of said town, and it shall be the duty of the marshal of said town to arrest any and every person he may find violating any of the acts of the Legislature conferring power on said president and trustees, or any ordinance by them made in pursuance of the acts of incorporation, and shall immediately upon such arrest take said person so offending before some justice of the peace, to be tried for such offence, and detain him until the fine and cost is [are] paid or secured, if any such be assessed.

Sec. 34. All the in and out lots and other land, within the town limits as declared in the first section of this act, shall be subject, for the purpose of improvement of the side walks, streets, alleys, and roads within said town, to a road tax of five per centum on the hundred dollars of valuation of said town lots and land within the limits aforesaid, and the present valuation of the same, as appears upon the books of the auditor and treasurer of Hancock county, shall be deemed and taken as the assessment of the valuation thereof, and it shall be the duty of the treasurer of said county on collecting the same to pay over to the order of the president and trustrees of said town all such road tax as may be by him collected, and the same shall be in full of all road taxes on said town lots and land, and the same shall be expended under the direction of said president and trustees as above provided.

Sec. 35. This act is hereby declared a public act, and shall be construed liberally, and shall be in force from and after its passage.

#### CHAPTER XXIII.

An Act to incorporate the town of Greencastle, in the county of Putnam.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That such part of Greencastle township, in the county of Putnam, as is situate within the town of Greencastle, and the enlargements adjacent thereto, which may now exist or be hereafter laid out and recorded, including all lots, streets, alleys, roads, and public grounds therein, be, and the same are hereby, erected into a town corporate, which shall be henceforth known and called by the name of Greencastle.

Sec. 2. That for the better government of said town and the inhabitants thereof, there shall be elected one person to serve as Mayor, one as Recorder, one as Treasurer, one as Marshal, and one as Supervisor, as also five Trustees. The Mayor shall be elected and hold his office for a period of three years, and until his successor shall be duly chosen and qualified. The recorder shall be elected and hold his office for a period of two years, and until his successor is elected and qualified, and each of the other officers above mentioned for one year, and until their respective successors shall be chosen and qualified.

Sec. 3. No person shall be eligible to an office under this act unless he shall have resided within the limits of the corporation for one year next immediately preceding his election; and no person shall be qualified to vote at any such election unless in addition to his other qualifications as an elector at county elections he shall have resided within said corporation for six months immediately preceding the time of offering such vote: *Provided*, That nothing herein contained shall be [so] construed as to prevent any county or township officer from holding any office created by this charter, except the office of Mayor.

Sec. 4. The first election under this act shall be held on the first Monday in March, 1849, and shall in all respects, so far as the same may be applicable, be held and conducted as township elections are held; and all elections thereafter shall be held at such time and place and be conducted in such manner as the common council shall from time to time direct and appoint.

Sec. 5. It shall be the duty of the inspector and judges of the first election under this act, after canvassing the votes, to declare the persons having the highest number of votes for each office duly elected, and shall forthwith give a certificate thereof to each person so elected, and each of said persons so elected shall within five days after notice of his election take an oath or affirmation to support the Constitution of the United States and of this State, and

faithfully and impartially to discharge the duties of his office, which oath shall be endorsed upon the certificate of his election, and such certificate shall be *prima facie* evidence of the due election of such

person.

Sec. 6. The Mayor, Recorder, and Trustees, when so elected and qualified, as by this act is provided, are hereby created a body corporate and politic, by the name and style of the "Common Council of the Town of Greencastle," and by that name shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places either in law or equity. They shall be capable to buy, receive, hold, and enjoy any estate, real or personal, for the use of said town, and may receive deeds and other conveyances therefor, and the same to sell and convey at pleasure; and they shall have power to adopt and use a common seal, and the same to alter or renew at pleasure, and a description of which shall be entered upon their records from time to time, as the same shall be rendered necessary.

Sec. 7. The Common Council shall meet on the first Thursday of every month, and as much oftener as their business shall require; and the Mayor shall have power to call a meeting at any time in cases of emergency. The signature of the Mayor and attestation of the Recorder, under the seal of the Common Council, shall be prima facie evidence of the validity of all laws and ordinances of of the corporation. Said Common Council shall audit and allow all claims against the town, and make all assessments and appro-

priations of money for the payment thereof.

Sec. 8. A failure to hold any election under this act of the officers of this corporation shall not be a forfeiture thereof, but such election shall be held at such other time as the Common Council shall appoint; and the Common Council may in case of a vacancy in any office fill the same by appointment until the next annual election.

Sec. 9. The compensation of no officer under the corporation shall be increased during his term of service, unless upon a vote of two-thirds of the whole number of the members of the corporation. And all compensation to said officers, except as herein fixed, shall be fixed by ordinances, and as a compensation in whole or in part to any such officer, the Common Council shall have power to exempt such person from road labor, serving on juries, or from the performance of the duties of any county or township office during the term for which he shall serve es an officer of said corporation.

Sec. 10. Said Common Council shall have power to vacate, open, and establish any street, alley, or road in said town, and to exempt from the payment of any tax such persons and property as two-

thirds of them shall from time to time agree.

Sec. 11. Two-thirds of the Common Council shall have power to remove any officer and fill his vacancy for malfeasance and non-feasance, or habitual drunkenness or other causes, which shall in

their judgment make such removal necessary and proper: Provided, That no such removal shall take place until the officer shall have been furnished with a written statement of the causes of complaint against him, and shall have an opportunity of being heard

before the Council in his defence.

Sec. 12. The Mayor shall keep a docket in which he shall enter the causes brought before him, and shall, on request of either party and the payment of his fees, make and certify transcripts of his proceedings and judgments, which shall have the force and effect of transcripts from justices of the peace of their judgments and proceedings, and may in like manner be filed in the clerk's office of the circuit court, and shall bind lands, and proceedings shall be had thereon to execution, as are provided in cases of transcripts from the judgments of justices of the peace, and an appeal in all cases (except from judgments confessed) shall be allowed to either party from the judgment of the Mayor to the circuit court, subject to the provisions of the law regulating appeals from the judgments of justices of the peace; and the trial by jury shall remain inviolate in all cases before the Mayor, when the amount in controversy or the penalty that may be imposed shall exceed twenty dollars, or when imprisonment for a violation of the laws or ordinances of the Common Council may be imposed, or in cases when a jury shall be allowed by the laws of the State before a justice of the peace, in which cases the jury shall fix the amount of the fine or penalty and the extent of the imprisonment, not inconsistent with the laws of the State and the by-laws and ordinances of the Council, and upon all such trials it shall be no legal objection to the mayor, marshal, constable, jurors, witnesses, or other person that may reside in said town and be subject to pay a corporation tax for the use of the town, and all process shall run in the name of the State of Indiana, and shall be signed by the mayor and sealed with the seal of the corporation, except subpænas for witnesses and venires for jurors.

Sec. 13. The Common Council shall be allowed the use of the jail of Putnam county, and all persons imprisoned therein under the authority of this act shall be under the charge of the keeper of

the county jail as if committed by a justice.

Sec. 14. It shall not be lawful for any person or persons within the bounds of said town, as specified in this act, to sell by a less quantity than one quart at a time any spirituous liquors foreign or domestic; nor shall it be lawful for any person or persons to keep what is commonly called a "tippling house," or any other place or house to vend spirits, foreign or domestic, by a less quantity than one quart at a time, unless such person or persons shall, in addition to a license from the board doing county business, obtain a license from the Common Council, who is hereby authorized to grant the same to such applicant for one year upon his, her, or their paying into the treasury of the corporation a sum not exceeding one hundred dollars, at the discretion of the Common Council. And if any person or persons shall sell any spirituous liquors or keep what is

commonly called a tippling house, or any other house or place within the limits of said town, or knowingly suffer and permit any other person or persons to sell such spirits in his, her, or their house or out-house or houses, or [to] keep therein what is commonly called a tippling-house, he, she, or they so offending shall forfeit and pay any sum not exceeding one hundred dollars nor less than ten dol. lars for every such offence to the Common Council, to be recovered before the Mayor in an action of debt. And for the better regulation of said town, the Common Council is hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society.

Sec. 15. All suits for the violation of the laws and ordinances of said town shall be brought in the name of "The Common Council of Greencastle," before the Mayor of said town. No bond given by any officer of said corporation shall be void for want of form or be satisfied upon the first recovery, but may be put in suit from time to time by any party aggrieved by the official acts of such

officers.

Sec. 16. All votes of the Common Council shall be given viva voce, and shall, when required by any two members, be entered upon

the records of their proceedings.

Sec. 17. When any law or ordinance shall be passed by the Common Council, the Recorder shall without delay enrol the same upon the records kept for that purpose, and shall also present the same and a true copy thereof to the Mayor for his signature, which copy he shall publish as herein before provided, and shall, when the same hath been so published, make and enter immediately under it upon the records an affidavit stating the time and manner of making such publication.

Sec. 18. No by-law or ordinance levying money shall be passed but by a majority of the votes of the votes of the whole Common Council, and such vote shall be in ayes and nays entered upon the

journal of their proceedings.

Sec. 19. The Common Council shall have power to levy and collect a tax or license money on all concerts, theatres, shows, circuses, exhibitions, auctions, pedlars, and amusements within the town, and pass such laws and ordinances as may be necessary to guard against fires, to organize and govern fire companies, and to regulate the duties and conduct of the inabitants of said town in relation thereto, to regulate and govern markets, to tax itinerant and transient auctioneers of sales at auction of goods, wares, or merchandise, or other property not belonging to any citizen of said county. They shall also have power in like manner to prevent the erection or keeping up public nuisances within said town, and to abate and remove the same, and to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of said town, not inconsistent with the laws of this State: Provided always, That nothing in this section shall be so construed as to authorize a tax or license upon any concert, theatre, circus, show, exhibition, or amusement not made or exhibited for gain, nor for any literary or scientific exhibition, if in the opinion of the Mayor it shall be of that character. All rates of license shall be fixed by the Common Council, and for all violations of any law or ordinance regulating the same suit shall be brought before the Mayor in debt as in other cases, and bail for the appearance of all of the non-residents of the county may be required unless such person shall elect forthwith after service to enter into trial.

Sec. 20. No suit brought before the Mayor shall be dismissed or delayed for the want of form in any pleading, cause of action, or form of action, and amendments and continuances shall be made and allowed by the Mayor upon such terms as he shall deem equitable; and all penalties imposed and collected for the violation of the laws and ordinances of the Common Council shall be paid into

the treasury of the incorporation for the use of said town.

Sec. 21. The corporation of the town shall have exclusive jurisdiction over all streets, roads, and alleys for purpose of vacating, opening, and repairing the same; and it shall be the duty of the Common Council to provide for the opening and keeping the roads, streets, and alleys aforesaid in repair, and for grading the same and building and repairing of all necessary culverts and bridges, and it shall be the duty of the supervisor to obey all such by-laws and ordinances under such penalties as said Common Council shall from time to time provide, and for any such neglect as aforesaid he shall also be liable to any person injured for such damages as they may have sustained, which may be recovered before the Mayor by action on his bond or otherwise.

SEC. 22. Each able bodied male citizen of the age of twenty years and under fifty, who shall reside in said town for three months before the time of assessing the taxes for road purposes, shall pay a road tax of one dollar, to be applied to the roads, streets, and alleys of said town, which may be discharged by two days' work on such streets, roads, and alleys as the supervisor shall direct; the time for doing such labor shall be fixed by the supervisor. The Common Council may also levy and collect a road tax on the taxable real estate of said town not to exceed one per cent. in any one

year, to be levied and collected as other taxes.

Sec. 23. It shall be the duty of the Common Council to keep a record of all its proceedings, to be drawn up each day by the Recorder, or in his absence by such person as they may appoint temporarily, and be signed by the Mayor, and copies thereof signed by the Mayor and sealed with the seal of the corporation and attested by the Recorder, shall be evidence of the same in all courts and

Sec. 24. It shall be the duty of the Recorder to make a fair list of all persons taxable with a poll, road tax, and personal or real property, with its valuation, after the same form that county auditors are required to do, and shall on or before the first day of September of each year, (unless for good cause the Council shall give further time,) certify and attest and present the same to the Mayor for his signature and the corporate seal, who shall sign and seal the same, and the Recorder shall forthwith deliver the same to the Treasurer, and it shall be sufficient authority for the Treasurer to collect the same by the first day of December in each year, and in all cases, if the taxes are not paid by that time by any individual, it shall be the duty of the Treasurer to proceed and collect the same by distress and sale of any personal property of such delinquent by giving ten days' notice of the time and place of such sale by written notices set up in three public places in said town, and for the payment of such taxes the tax payer may select such property to be sold at the time of making the levy; and the property sold for taxes shall be sold to the highest bidder therefor, and all other taxes shall be enforced and collected in the same manner and in every respect that county treasurers are or may be authorized and required to collect taxes, and sales of real estate, and deeds therefor shall have the same force and effect as deeds for the non-payment of State and county tax, and the owner have the same right of redemption, upon similar conditions and provisions, and the treasurer shall have the same costs and fees as county treasurers, to be collected and paid in the same manner. And said Treasurer is hereby authorized to collect the same as fully as county treasurers are or may be authorized to do: Provided always, That all deeds made under the provisions of this act shall be made by the Mayor, and signed by him and sealed with the corporate seal, and all such deeds shall be prima facie evidence of the regularity of such sale; and if any real estate should not be sold, the taxes thereon shall remain a lien thereon, and shall be added to the next year's tax on such real estate, and collected as the taxes of that year may be collected. The Mayor shall be allowed one dollar for every [deed] by him executed as above, which sum shall be paid by the grantee on the delivery of such deed.

Sec. 25. The first regular meeting of the Common Council next after an assessment of taxable property, or the adoption of the county assessment, shall be a term for appeals to correct all illegal and unjust assessments: *Provided*, That nothing herein contained shall prohibit them from fixing another day for the correction of assessments and all mistakes and errors therein, and of which ten days' notice shall be given by written advertisements, set up one in each ward.

Sec. 26. All debts, dues, and property of the former corporation of said town shall be collected, received, and held by the new corporation as fully as if such debts and dues had been contracted with the said new corporation, and all debts or other liabilities of the former corporation shall be paid by this corporation in the same

manner that debts contracted by them are payable.

Sec. 27. The Mayor, before entering upon the duties of his office, shall give bond and security for the faithful discharge of the

duties of his office, in all respects as is required of justices of the peace, which bond shall be taken, approved, and filed as is provided in cases of bonds given by justices of the peace, and may be put in suit from time to time and recovery had thereon, in like manner, and under the same rules and regulations of bonds of justices of the

Sec. 28. The Mayor shall be a conservator of the peace within said town, and shall have all the power and authority, rights, jurisdictions, and immunities of a justice of the peace, to be exercised within said town, and shall be authorized to direct any process by him issued to the Marshal of said town, or to any constable of said township of Greencastle, who shall be bound to serve and return the same, as constables are bound to serve and return like process; and said Mayor shall be empowered upon view or upon information upon oath or affirmation, of the violation of any penal law of the State, or of any ordinance or law of said corporation, to issue his warrant under his seal and cause the person charged with such violation, to be brought before him, and to summon witnesses and jurors and issue attachments therefor, and hear and determine any and all such accusations, and recognize the accused to appear before the circuit court to answer the charge, and in default of such recognizance, to commit him, her, or them to the jail of the county, to impose fines and render judgments and award executions thereon, to recognize witnesses, allow and tax their fees, correct the fees of officers, and generally to do all acts in the premises, which a justice of the peace may do to hold his court and enforce his judgments, and have execution thereof; and when any person shall be convicted and adjudged guilty by him, of any offence against the laws of this State, or the laws or ordinances of said corporation, said Mayor shall have power to impose a fine on such person or to cause him to be imprisoned in the county jail, not exceeding ten days, as may be provided by such ordinance or by the laws of the State; and all judgments rendered by the Mayor, shall have the force and effect of judgments rendered by a justice of the peace, and may be enforced or replevied in like manner. And the Mayor shall be entitled to the same fees of justices of the peace for similar services, to be taxed and collected in the same manner.

SEC. 29. The Marshal, constables, jurors, witnesses, and all others rendering service, shall be entitled to the same fees for services in causes and trials before the Mayor, that are now allowed or may hereafter be allowed for similar services before justices of the peace; and all process issued by the Mayor, in cases for the violation of the laws and ordinances of the corporation, or the laws of the State, may be served in any part of the county of Putnam, as also all subpænas and venires.

Sec. 30. The Mayor shall preside at the meetings of the common council, and keep order, and shall sign their proceedings and when necessary, seal the same with the seal of the corporation, and

shall also sign and seal all licenses granted by the corporation for any purpose whatever.

Sec. 31. The common council, (four of whom shall constitute a quorum to do business,) shall and may, from time to time, hold sessions of their body in said town, at such place as the Mayor shall appoint, and shall have full power and authority at such sessions, to pass and publish all such laws and ordinances, as to them shall seem necessary, relative to the regulation and improvement of streets alleys, side-walks, roads, and highways; to clearing, raising, draining, turnpiking, McAdamizing, or otherwise making and keeping the same in repair; to making, causing, and requiring the owner or owners of in-lots to pave or otherwise improve the side. walks in front of his or her or their respective in-lots; to establish and regulate markets; to regulate the inspection of flour, beef, [and] pork; the sale of hay and wood, and the licensing and regulation of drays, cabs, hacks, omnibuses, and other carriages conveying passengers for gain in the town; to restrain or regulate sheep, cattle, horses, swine, or dogs, running at large in the town. To regulate buildings public and private, to planting trees for ornament or use public or private, to cleansing of chimneys, to preventing and extinguishing fires in the town, to regulate the height and extent of fences, and to provide by ordinances, for imposing reasonable fines and penalties upon all persons violating the laws and ordinances, as the said common council shall deem necessary and proper for the health, safety, cleanliness, convenience, quiet, and good government of the town and the inhabitants thereof, not contrary to the laws of United States or of this State, all of which laws and ordinances passed as aforesaid, shall be kept by the recorder, and shall be published in a newspaper, if any be published in said town, or if there be none, then by being posted up at the court house door; after which publication, the same shall be in force, and so shall remain until repealed, amended, or annulled by the common council, and the oath of the recorder shall be prima facie proof of such publication.

Sec. 32. The common council shall, from time to time, appoint all such officers as they shall find necessary or convenient to enable them to carry into effect the powers conferred by this act, and may prescribe the duties of all the officers of the corporation, and by fines or penalties, enforce the observance of the same, and alter the same, from time to time, as experience may suggest, not inconsistent with the provisions hereof. Before the Treasurer, Recorder, Marshal, or Supervisor shall enter upon the duties of his office, he shall give bond with good security to the acceptance of the Mayor, in such penalty and with such conditions, as the common council shall prescribe. And it shall be the duty of the said conneil, to require like bond and security from all officers by them appointed, any and all of which bonds shall be payable to the said common council, and any such bonds may be put in suit by any person, body corporate or politic aggrieved by the official acts of such officers,

subject to the same rules and governed by the same laws that the bonds of township officers are or may be governed, and certified copies of such bonds, signed by the Mayor and sealed with the corporate seal, attested by the Recorder, shall be sufficient evidence of their existence and validity, and for all such copies, the Recorder may demand and receive the sum of seventy five cents, twenty cents of which he shall pay over to the Mayor for his services.

SEC. 33. It shall be the duty of the Recorder to keep a record of the proceedings of the common council in a book to be provided for that purpose, and make and certify all transcripts and copies thereof, when thereto required by any person interested and shall record all laws and ordinances with the proof of the publication thereof in a separate book, which shall at all reasonable hours, be open to the inspection of all persons desirous of examining the same. He shall safely keep all the other books and papers of the corporation, and do and perform all other duties imposed upon him by the common council, and for his services, shall receive such fees as shall be allowed him by said council, which shall be paid at such times as they shall provide by law. He shall keep an account current upon the Treasurer, and publish annually, a list of the receipts and expenditures of the corporation. He shall write out and attest all licenses granted by the corporation, but they shall not have any force or effect until signed by the Mayor, and sealed with the corporate seal; provided, however, that no license shall ever issue, except the Treasurer's receipt for the tax assessed thereon, be first filed with the recorder. He shall have power to administer all oaths necessary to the discharge of his official duties or the transaction of the business of the corporation. In the absence of the Mayor he shall perform temporarily, the duties of that office, except so far as the duties of the Mayor as a justice of the peace may be concerned. And in case of the death, resignation, or removal of the Mayor, he shall have the care and custody of the books and papers and the coporate seal and other property of the corporation, until a successor to such Mayor shall be chosen and qualified, to whom he shall, upon demand, forthwith deliver the

SEC. 34. The said town shall be and is hereby laid off into five wards as follows, viz .: All that part of said town lying west of Jackson street, shall constitute ward number one, all that part of said town lying [east] of ward number one, and west of Indiana street, shall constitute ward number two, and all that part of said town, east of ward number two, and west of Ephraim street, shall constitute ward number three, and all that portion of said town lying east of ward number three, and north of Washington street, to the Bloomington road, and all that portion of said town lying north and east of the said Bloomington road, shall constitute ward number four, and all that portion of said town not included in either of the aforesaid wards, shall constitute ward number five; and one of the Trustees of said town shall reside in each of said wards, and

be the representative thereof. Provided, always, that the said common council may, at any time they shall deem it necessary to do so, alter the boundaries of said wards, so as to make the same as nearly uniform as possible, in the number of qualified voters therein, and provided, also, that the said common council shall have power to provide for an election in each ward, and the qualified electors of each of said wards electing their own Trustree separately; and whenever any Trustee shall remove from the ward for which he may have been chosen or appointed, his office shall be vacated.

Sec. 35. The common council may assess, levy, and collect taxes annually, upon all polls and property subject to a State or county tax that may be in said town, including all stock in chartered companies, and on all real estate of religious or literary institutions other than the lots or parcels of ground upon which their houses of public worship, colleges, universities, or seminaries may be situated, the poll not to exceed fifty cents, and one fourth per cent. on each one hundred dollars worth of taxable property, unless upon a vote of a majority of all the inhabitants of said town, subject to taxation, which shall be assessed, levied, and collected in such manner as the council shall provide. Provided, always, that the Marshal of said town shall ex officio, be the assessor thereof, and shall have all the powers in so doing, of county assessor: Provided further, that the common council shall have the option of adopting the county assessment of the property and polls within said town, as the basis of taxation for the year, and all property omitted to be assessed, shall be assessed by the Treasurer and the taxes collected thereon, in the same manner that county Treasurers may do.

Sec. 36. The election of Mayor may be contested before the common council, and the election of all other officers before the Mayor, by any qualified voter of said town, subject to the same rules of proceedure, that township officers are subject to, so far as

the same are applicable.

Sec. 37. The Marshal shall have the power and authority and duties and liabilities of a constable of said township of Greencastle. It shall be his duty to attend in person or by deputy, all meetings of the common council, and carry into effect all orders of the Mayor and of the council, and to serve and return all process directed to him by the Mayor, or any justice of the peace of Greencastle, and to apprehend upon view, all violators of the laws of the State or of the laws and ordinances of the common council, and forthwith convey such offender before the Mayor, or in his absence, some justice of the peace, to be dealt with according to law, and to discharge such other duties relative to the police of the town, as may be required of him by the common council, to be by them prescribed by law or ordinance.

Sec. 38. It shall be the duty of the Treasurer to collect, receive, keep, and disburse on the order of the common council, attested by the Recorder, all moneys required to be collected by him, or which

shall come to his hands by virtue of his office, and faithfully to account for the same in such manner and at such times as the common council shall prescribe. He shall perform all the duties in relation to the collection of the revenue assessed by the common council, that are or may be required of county Treasurers, so far as said laws are applicable, and shall have the same powers and perform like duties.

Sec. 39. It shall be the duty of the Supervisor, to see that the roads, streets, and alleys of said town are kept in [as] good renair as the means in his power will enable him, and all funds raised for road purposes in said [town,] shall be expended by him under the orders and directions of the common council; Provided. that no payments shall be made of any money out of the treasury, upon any contract made or to be made by him, until the same has been submitted to and approved by the common council, and the observance of his duties may be enforced by such penalties as the council shall ordain and establish, and for good cause he may be re-

moved by the council.

SEC. 40. On the organizing of this incorporation, the former one shall be and is hereby dissolved, and it shall be and hereby is made the duty [of the] officers thereof, to deliver over to the new corporation, all bonds, deeds, notes, books, papers, and other property which may belong to them or be in their possession, and the Treasurer of said former corporation shall pay over to the Treasurer of the new corporation, all moneys that shall be found to be in his hands upon settlement, which he is hereby required to make with such new Treasurer, upon being notified to do so, and said Treasurer of the new corporation, shall make report thereof to the common council, and be charged with the amount by the Recorder.

Sec. 41. This act shall be a public act and be beneficially and liberally construed and shall be in force from and after its passage.

#### CHAPTER XXIV.

An Act extending the provisions of Chapter 16 of the Revised Statues of 1843 to the county of Noble, and for other purposes.

#### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the provisions of chapter 16 of the Revised Statutes of 1843 be, and the same are hereby, extended to the county of Noble.

SEC. 2. The acts, orders, and proceedings of the board of commissioners of the county of Noble, made since the first day of May, 1843, in relation to laying out, changing, establishing, or vacating roads and highways in said county be, and the same are hereby legalized: *Provided*, That nothing in this section shall be so construed as in anywise to affect the rights of parties to any suit or process which may now be pending in any court in relation thereto.

Sec. 3. All laws coming in the purview of this act be, and the same are hereby repealed, so far as relates to the county of Noble. Sec. 4. This act to be in force from and after its passage.

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An Act to change the name of the town of Huntsville, in the county of Randolph, to that of Trenton.

### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Huntsville, in the county of Randolph, be and the same is hereby, changed to that of Trenton.

SEC. 2. That the changing the name of said town shall in no wise affect the title to property of any description whatsoever, but the same shall remain in full force, and as valid as though this act had never been passed.

SEC. 3. This act to take effect and be in force from and after its passage.

#### CHAPTER XXVI.

An Act to repeal an act therein named.

[APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act, entitled "An act to provide for the opening and repairing roads and highways, in the counties of Gibson and Pike," approved January 31, 1842, be, and the same is hereby re-

pealed, so far as relates to the county of Gibson, and that the General Laws of the State on that subject be extended to the same.

Sec. 2. This act to take effect from and after its passage.

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#### CHAPTER XXVII.

An Act in relation to Roads and Bridges in Bartholomew county.

(APPROVED JANUARY 17, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Bartholomew county may, in their discretion, upon the petition of a majority of the free-holders and householders of any township or townships interested in the erection of any bridge or bridges in said county direct that the road tax of such township or townships shall be paid in cash; and when collected shall apply the same to the erection of such bridge or bridges according to the provisions of article second, chapter sixteen, of the Revised Statutes of 1843: Provided, That said board may also assess a specific tax for the erection of such bridge or bridges under the provisions of the first section of said article.

Sec. 2. It shall hereafter be the duty of said board of commissioners, whenever they make an order for the opening of any county road, to cause the same to be opened to such width as the public convenience may require, entering the same on the records of said county board: *Provided*, Said road shall not be less than twenty-five feet in width.

Sec. 3. If owners or occupiers of any land through which any county road heretofore established may pass, shall feel aggrieved in consequence of the width of the same, they may petition the board doing county business, setting forth that fact, which petition shall be signed by at least twelve freeholders of the township or townships through which such road may pass, three of whom at least shall be of the immediate neighborhood; upon the presentation of such petition, if the board are of opinion that the public convenience do not require it to be of the width as established, they shall have power to make such reduction as to them may seem reasonable, causing such alteration of the width of said road to be entered on the record book of said county board: *Provided*, That said road shall not be reduced below the width of twenty-five feet.

Sec. 4. It shall be lawful for the board doing county business, whenever a majority of the freeholders of any township in said county shall petition for the same, may, in addition to the tax as

specified in the first section of this act, assess a tax per acre not to exceed two cents per acre on the lands liable to pay taxes in said township, which tax shall be collected as other road taxes in said

county are collected, and in the same manner expended.

SEC. 5. All special acts on the subject of roads and bridges, so far as they relate to the county of Bartholomew, are hereby repealed, and the provisions of the General Law are declared to be in force in said county, so far as the same are not inconsistent with this act.

Sec. 6. This act to be in force from and after its passage.

### CHAPTER XXVIII.

An act to incorporate the Troy and Wabash river Railroad Company.

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Section 1. Be it enacted by the General Assembly of the State of Indiana, That Frederick Connor, John P. Dunn, Harmon G. Barkwell, Henry Lowry, William McKinley, H. P. Brazee, Taylor Basye, John Huffman, Lawrence Protsman, and David T. Laird, of the county of Perry, and Aquilla Huff, Wilson Huff, Luther Greathouse, Moses B. Niles, Isaac Jennings, and James Porter, of the county of Spencer, A. B. [McGrillies,] McCrillus John S. Martain, and Samuel G. Brown, of the county of Dubois, state of Indiana, and their successors in office, duly elected as hereafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style the "Troy and Wabash river Railroad Company" shall be able and capable in law to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatsoever; to make and use a common seal, and the same to alter, change, break, or renew at pleasure; and shall be able and capable in law to make contracts, and enforce the same. with full power and authority to acquire, hold, possess, use, occupy, and enjoy real estate, and the same to sell, convey, and dispose of, as shall be for the interest of said company; and may also make, ordain, establish and put in execution such necessary by-laws, rules and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said company shall be three hundred thousand dollars, divided into shares of fifty dollars, with power to increase the capital stock to five hundred thousand dollars, when-

ever the president and directors of said company shall deem it proper to do so.

SEC. 3. The directors in this act named, or a majority of them, shall meet in the town of Troy, as early as convenient after the taking effect of this act, and organize said corporation by electing one of their body president, and after such organization five mem-

bers of the Board shall be competent to do business.

SEC. 4. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such places as they may choose—due notice of which shall be given, in each of which books the following entry shall be made, "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite our names, in such manner and portions, and at such time as the president and directors of Troy and Wabash river Railroad Company may direct. Witness our hands this ———day of ———, 184 ." And all persons of lawful age, or the agent of any

corporate body may subscribe for stock.

Sec. 5. As soon as five hundred shares are subscribed, it shall be duty of the corporation to give three weeks' public notice thereof by manuscript or printed advertisements set up at each place where subscriptions have been made, and in such notices appoint a time and place for the stockholders to meet and elect their directors, who shall be stockholders, which election shall be held within three months after the last share in the five hundred was subscribed for, and shall be conducted by two judges appointed by the stockholders present, and the persons having the majority of votes given shall be declared duly elected. No share shall confer a right to vote, unless there shall be two dollars and fifty cents duly and properly secured by a note, negotiable and payable at the Evansville Branch of the State Bank of Indiana, at one hundred and twenty days from the day of voting, or by the payment of the like sum in cash, with rebate of four months' interest. Nor shall any share confer a right to vote at any election unless the same shall have been held one month previous to the election. In all elections each share shall entitle the holder to one vote, and votes may be given by the person holding the same, or by one of any partners, or by the husband, father, mother, administrator, executor, trustee or guardian, and any person having a share in their own right may vote by proxy.

Sec. 6. It shall be the duty of the directors elected as aforesaid, and those elected at all subsequent elections to meet as soon thereafter as they conveniently can, and elect one of their body to be president. The president and directors thus elected shall continue in office until the next annual election, and until their successors

are elected and qualified.

SEC. 7. Be it further enacted, That it shall be the duty of the president and directors to appoint a clerk or secretary, and cause a record of their proceedings to be kept, they may also appoint a treasurer, and such other officers or agents as they may think needful for promoting said undertaking and to allow them such pay or

compensation as they may agree on, to make contracts, and do all things necessary for carrying the same into immediate effect, and to require and take such bonds or other surety, in their corporate capacity, from any person or persons they may so appoint or contract with; and in the event of the death, resignation, or vacancy from any other cause, of the president or any director, the survivors or a majori'y of them shall supply the vacancy, until the next annual election, by the election of another shareholder.

SEC. 8. The board shall have power to declare any stock upon which the said sum of two dollars and fifty cents shall not have been paid or secured as aforesaid to be forfeited, and to demand, have, receive, sue for, and recover in the name of said corporation, the sum of fifty cents for each share so forfeited, by action of assumpsit against the subscriber, or in their discretion the corporation may bring suit against each delinquent subscriber for the amount due, and the judgment thereon and other subsequent proceedings shall be regulated by section eleven (11) of this act.

Sec. 9. All elections after the first shall be held on the first Monday of September, annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present, of which election notice shall be given: *Provided*, that if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors, for the first election, it shall be lawful to hold the

election on any other day.

Sec. 10. Certificate of stock shall be given to the stockholders, which shall be evidence of the stock held; it shall be signed by the president and countersigned by the clerk or secretary, the stock shall be transferable on the books of the corporation only, personally or by agent or attorney, or by the administrator, executor, trustee, or guardian, but such stock shall at all times be holden by the corporation for any dues from the holders thereof to the corporation, or for any sum that may hereafter become due, on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per centum of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some weekly newspaper, printed nearest the place where a majority of the stock is held, or by giving written notices to the stockholders, in all such notices the amount on each share demanded, and the time and place of payment, shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount, with two per centum interest thereon, for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order

upon their books, declare such stock forseited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forseited to the corporation, and no such delinquent before the forseiture of the stock shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

Sec. 12. That the said president and directors or a majority of them may appoint all such officers, engineers, agents, or servants. whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; and they, or a majority of them, shall have power to determine, by contract the compensation of all the engineers, officers. agents, servants, or others in the employ of the said company, and to regulate their by-laws, the manner of adjusting and settling all accounts against the company, that they, or a majority of them, shall have power to erect buildings for the safe keeping of articles intrusted with them for transportation, and for workshops necessary for the business of the company, that they, or a majority of them, shall have power to settle, adjust, fix, and determine the point or place on the Wabash river or any other intermediate point, where said railroad shall end and terminate, commencing the same at Troy, in Perry county; and they are hereby invested with full power by themselves or agents, to examine and survey and locate a railroad route from such commencing to such termination points, on the most suitable ground, and such as will be most conducive to the public good and the interest of said corporation, and to build and construct a railroad on said route, and to fix the grades and superstructure of such railroad for such motive power as may be determined by said corporation: Provided, however, that said railroad route shall not be located on any State or county road, without the said corporation first having obtained permission so to do from the Board of county commissioners of the county in which a State or county road is sought be used, and which permission, when once given and entered on the order book of said commissioners, shall be irrevocable during the existence of the corporation: Provided, said corporation, before asking for the use of said State or county road, shall give three weeks' notice in some newspaper, printed in the county where the application is to be made, if any there be, if not, by written notice, in three of the most public places in said county.

Sec. 13. And for the purposes of making such examination and location of said railroad route, it shall be lawful for said corporation and their agents and persons in their employ, to enter upon any lands to make surveys and estimates, and for the purpose of searching for stone, wood, or other materials necessary for the construction of said railroad, but no stone, or wood, or other materials shall be taken away from any land, without the consent of the owner thereof, or until the amount of compensation therefor has been ascertained.

Sec. 14. It shall be lawful for said corporation, either before or after the location of said rail road, to obtain from any person or persons, through whose lands said road may run, a relinquishment of

so much land as may be necessary for the construction of said road also the stone, timber, and other materials, that may be obtained on said route, and may contract for any stone, timber, and other materials on any lands near to said road, for the benefit of said corporation; [and said corporation] may receive by gift, grant, donation, or bequest, made and entered into in writing, by any person capable in law of contracting, made in consideration of such location of said road, and for the benefit of said corporation, land, money, labor, stone, timber, or any other kind of property, and all such gifts, grants, donations, and bequests, shall be binding and obligatory; and the said corporation shall have their action at law or in equity, to compel a compliance therewith: *Provided*, That such contracts, relinquishments, gifts, grants, donations, or bequests, shall be in writing and signed by the party making the same.

SEC. 15. That whenever said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupation of the same for the purpose aforesaid, and no person, body politic or corporate, shall in any way interfere with, molest, disturb, or injure the corporation, in any of the rights and privileges granted.

Sec. 16. When the road is located, it shall be the duty of the corporation to cause a plat of the same to be recorded in the recorder's office of the county in which the road lies, and upon that plat shall be distinctly designated and described all lands and lots of land, the property of others taken and appropriated for the use of the company, and the owner's name as the title appears of record; and any one who may consider himself aggrieved by the condemnation of his property, as aforesaid, may, within six months thereafter, make application to any justice of the peace of the county, to assess his damages in the manner prescribed in the next section, and from after the location of said road and the adjustment of all damages in consequence, it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays the owners of land on said changed route, the amount of damages they may sustain by such relocation.

Sec. 17. Said corporation by their president, directors, agents, or servants, or any of them, may agree with the owner or owners of any land, earth, timber, gravel, or stone, or other materials, or any improvements which may be wanted for the construction or repair of any of said road, or any of their works, for the purchase or use and occupation of the same; and if they cannot agree, and if the owner or owners of any of them be a femme coavert, under age, non compos mentis, or out of the country in which the property wanted may lie, when such land or materials shall be wanted, application may be made to any justice of the peace in the county where such land or materials shall lie, who shall thereupon issue his warrant, under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related to or in any wise interested, to meet on the land or

near to the other property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after issuing of the same; and if at [said] time and place any of said jurors summoned do not attend, the said sheriff shall summon immediately as many jurors as may be necessary with the jurors in attendance, to furnish a panel of twenty jurors in attendance; and from them each party, its, his, or her, or their agent, if either be not present in person or by agent, then the sheriff, for it. him, or her, may strike off four jurors, and the remaining shall act as the jury of inquest of damages; and before they act as such, the said sheriff shall administer to each of them an oath or affirmation, as the case may be, that he will justly and impartially value the damages which the owner or owners will sustain, by the use or occupation of the land, materials, or other property required by the company; and the jury estimating such damages shall take into the estimate the benefits resulting to the owner or owners from the construction of the said rail road, through, along, or over the property of said owner or owners; but only in extinguishment of the claim for damages, and that only as far as regards the right of way; and the jury shall reduce their inquisition to writing and shall sign and seal the same, and it shall then be returned by the said sheriff, to the clerk of the circuit court of his county, and by such clerk filed in his office, and shall be confirmed by the circuit court of said county at its next session, if not sufficient cause to the contrary be shown; and when confirmed shall be recorded by said clerk, at the expense of said company; but if set aside by said court for good cause shown, the said court shall direct another inquisition to be taken in the same manner as above prescribed, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of the interest of the owner or owners in the same, valued for the company; and such valuation when paid or tendered to the owner or owners of said property, or his, or her, or their legal representatives, shall entitle the said company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the valuation if not received when tendered, may at any time thereafter be received from the company without cost, by the owner or owners, his, her, or their legal representative or representatives.

SEC. 18. That every president and director of said company before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of his said office, to the

best of his skill.

Sec. 19. That if any of the stock created by virtue of this act shall remain unsubscribed until after the election of the president and directors, as provided for in the sixth section of this act, the said president and directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said company, which may remain unsubscribed, or to sell or dispose of such unsubscribed stock for the benefit of the company,

for any sum not under its par value, and the purchasers or subscribers of stock, shall have all the rights, powers, and privileges of original subscribers, and shall be subject to the same regulations.

SEC. 20. The stockholders shall have power at their first election of directors, to be held under this charter, to say whether subscriptions for stock shall be made in real estate, and if they shall so determine, or should the capital stock herein granted be deemed insufficient, then the said capital stock shall be increased [so as] not to

exceed five hundred thousand dollars.

Sec. 21. Should it be determined by the stockholders aforesaid, that subscriptions for stock may be made in real property, the said president and directors, or a majority of them, shall have power to increase the number of shares, to open books, and receive subscriptions for any of such additional shares in real estate; the person subscribing shall specify and describe the tract of land in writing, state its quantity and quality, his title, the value of the land, and nature of improvements, and his residence, to which his name shall be signed; and all certificates for stock issued for real estate shall specify, as near as may be, the tract, and shall be subject to all equities arising from misrepresentation, but no real estate shall be received but such as lies in the counties through which said rail road may pass, and at such price and value as shall be satisfactory to the president and directors, or a majority of them; all conveyances made in pursuance of this section, shall be to the president and directors of said company, and all sales, leases, deeds, conveyances, touching real estate, shall be made and executed by the president of said company, under the said common seal of said corporation, and shall be attested by the clerk.

Sec. 22. It shall be lawful for said corporation to place on or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandise, or any other kind of property. And for this purpose the corporation may construct said road with such locks, turns, gates, bridges, aqueducts, culverts, toll and ware-houses, as may be considered necessary for the interest of the company, and the convenience of the public; and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state for travel, although the whole be not finished, and they may charge for travel and transportation on the same when it is graded and bridged, although the rails may not be so far laid as to admit car-

riages thereon.

Sec. 23. The corporation may charge and receive such tolls and freights fr the transportation of persons, commodities, and carriages on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower, or raise, at pleasure; *Provided*, That the rates established from time to time shall be posted up in some conspicuous place or places on said road.

Sec. 24. It shall be the duty of the president and directors to

cause a full statement of the affairs of the company to be made and exhibited to the stockholders, at every annual election; and it shall be their duty so soon as the nett profits will permit, to make such half yearly dividends as the interest and well being of the company shall permit, at such times and places as they shall appoint.

Sec. 25. The said company are authorized to borrow and lend money, to purchase, hold, and dispose of real estate, and shall possess all necessary power to buy and sell goods, chattels, wares, and merchandise, as shall be required to carry into effect the provisions

of this act.

SEC. 26. The directors shall not issue or put into circulation any promissory notes, bills of exchange payable to order or bearer, unless by the unanimous vote of the board then being, and then only in the shape of an order drawn by the secretary in favor of the president and directors upon the treasurer, and bearing date of the day when ordered by the board, and said orders signed by the secretary, endorsed by the president and directors, and accepted by the treasurer, shall be taken and holden as payable to the bearer.

SEC. 27. It shall be good and sufficient service of process on the corporation hereby created, to execute the writ or notice on the president or secretary, and a majority of the directors for the time being, and in any suit upon the orders drawn as aforesaid, a like service shall be good and sufficient to warrant and justify not only a judgment against the corporation, but also against the officers as

herein after directed.

Sec. 28. If any person shall knowingly or wilfully injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll, or warehouse, belonging thereto, he, she, or they, so offending, shall pay to the said corporation three times the amount of damages actually done, to be recovered by the corporation before any court of competent jurisdiction, together with costs of suit: *Provided*, All actions as aforesaid, commenced by said corporation, and all actions commenced against said corporation for recovery of damages, shall be commenced within six months from the time the cause of action accrued, and not after.

Sec. 29. The corporation shall commence the location of said road at Troy, within ten years, and shall grade and bridge the same to the terminating point, within twenty years, and shall have full power and authority to charge for travel and transportation on the

same, or any part thereof in that state.

SEC. 30. The president and directors of said company shall be liable in their individual capacity for all debts contracted in and for the prosecution of said work, over and above the amount of solvent stock secured to said company, and the legislature reserves the right to alter, amend, or abolish this charter whenever any of its privileges shall be violated by said company.

Sec. 31. This act shall be deemed and taken to be a public act, and shall be favorably construed for every beneficial purpose, and

shall be in force from and after its passage.

#### CHAPTER XXIX.

An Act to incorporate the American University.

(APPROVED JANUARY 13, 1849.)

Section 1. Be it resolved by the General Assembly of the State of Indiana, That J. D. Mackay, J. H. Sheffield, J. L. Jernegan, S. C. Sample, E. Egbert, D. Dayton, J. Brownfield, S. Colfax, J. A. Henricks, J. Harper, N. Eddy, R. Dunn, J. Chapman, N. Kellogg, E. Hurlbert, and G. Fowls, and their successors in office (who may be elected in any manner which the above named may direct) be, and they are hereby constituted a body corporate and politic to be known and styled the "Regents of the American University," and by that name shall have perpetual succession, and in their corporate capacity, may sue and be sued, plead and be impleaded in any court of record before any Judge, Justice, or Justices within this State and elsewhere, in all manner of suits, complaints, pleas, causes, matters, and demands, of whatsoever nature or form it may be, and all and every other matter, nature, and thing therein to do in as full and effectual manner as any person or persons, bodies politic or corporate of like nature within this State may or can do.

Sec. 2. The said Regents and their successors by their corporate name, are hereby authorized to establish in the county of St. Joseph in this State, a University, the object of which shall be to meet all the literary, scientific, and agricultural wants of the country, to be known by the name of the "American University," and they are hereby made capable in law to have, possess, purchase, receive, enjoy, and retain, hold or dispose of, for the use of said institution, lands, tenements, and other hereditaments in fee simple, or for a term of years, life, lives or otherwise, and also money, bonds, bills, notes, goods, chattles, interests, or effects, of whatever nature, quality, or kind soever, by the gift, bargain, sale, or divise, of any person or persons, body politic or corporate, capable of making the same, and the same to grant, demise, sell, alien, and confirm in such manner as they shall judge most conducive to the interests of said Institution. But this corporation shall not hold a greater amount of real estate (exclusive of the site for college and edifices thereon,) than the value of fifty thousand dollars, which said amount shall be exempt from taxation either for State or county purposes.

Sec. 3. The said Board of Regents are hereby authorized and empowered, and it is hereby made their duty, at their first regular meeting to classify the members thereof into three divisions, in such manner that one-third of their members shall go out of office each year, and shall determine by lot what members shall belong to each division.

Sec. 4. Said Regents shall have power to appoint annually, a

President of the Board, a Secretary and Treasurer. They may require the Treasurer to give bonds, with such security, and in such penalty as the Regents shall think proper for the faithful discharge of his duties and may impose such other duties upon him as they may think proper. They shall require the Secretary to keep a fair record of all the proceedings of the Board of Trustees, and to do and perform all other duties which they may think proper to impose upon him. And it shall be the duty of the President of the Board to preside in all their meetings, when present, and to perform all the duties which are usually performed by the presiding officers in all similar bodies, and in the case of his absence or disability, or the absence or disability of any other officer, the Regents shall have power to appoint an officer pro tem.

SEC. 5. Said Regents shall also at any regular meeting of the Board, have full power and authority, to constitute and appoint permanently, in such manner as they may think expedient, a president of the Faculty, together with such professors and other instructors as may at any time be deemed necessary to form an efficient Faculty for the proper instruction of students in all the arts and sciences in the learned professions, and in all the branches of liberal and professional instruction as they are taught in the best universities of the United States. And the said President and Professors shall be known and distinguished by the name of the Faculty of the American University, and in that name shall be capable of exercising such powers and authorities in the institution as shall be delegated to them according to the by-laws enacted by the Regents. and a majority of the said Regents may at any regular meeting vacate the office of any of the Faculty or instructors, and proceed to fill such vacancy, at the same or any subsequent meeting of the Board.

Sec. 6. The said trustees and their successors in office shall meet at least once in every year in a stated annual meeting to be appointed by their own ordinances and at such other times as by their said ordinances they shall direct; or the President or a majority of the trustees shall appoint, for the purpose of transacting such business for the prosperity and welfare of the institution as may come before them, in all of which meetings, two-thirds of the trustees shall constitute a quorum for the transaction of business; and shall have power to make, alter, or amend all necessary ordinances, rules, and by-laws, not contrary to the constitution and laws of this State for the government of said University and the proper education of its pupils, and to delegate to the President, professors, and other instructors such powers and authorities as they may judge expedient for the government of said institution, and the said trustees and Faculty shall have full power and authority, once in every year or oftener as they by their ordinances may direct, to hold a public commencement, with exersises suitable to the occasion, and to graduate with literary honors, such students as shall be found to have merited the same by their character and acquirements and to

confer upon such students, such honors and degrees as are usually conferred by other colleges and universities of the United States: Provided however. That no degrees shall be conferred or diplomas granted except to students who have attained the same proficiency in the liberal acts and sciences, as is customary in other similar institutions, Yale college, Harvard, and New York city Universities being taken as standards, and may issue to such students testimonials or diplomas signed by the Faculty, and bearing the seal of said university as certificates of the same: Provided further, That the qualifications of no candidate shall ever be decided upon by the Faculty, but by an examining committee of four, one of whom must [be] an acting professor in some other incorporated college, and all of whom must have the degrees they propose to confer. It [shall] also be the duty of the Faculty prior to each commencement to hold a public examination in presence of such Regents as may be able to attend and of other citizens, at which time all the students of said University shall be examined on the several branches of learning which they have respectively studied.

Sec. 7. This shall be a public act and shall be liberally construed for every beneficial purpose thereby intended, and no omission to use any of the privileges hereby granted shall cause the forfeiture of the same, nor shall any gift, grant, or conveyance to or for the benefit of the corporation be defeated or prejudiced by any mis-

nomer, misdescription, or informality whatever.

Sec. 8. This charter is granted on the express condition that the University and all its departments shall be open to all white inhabitants of good moral character and none others, that no sectarian or partisan creed shall ever be taught or required in any of its departments.

Sec. 9. This act shall take effect and be in force from and after

appointed by hear own ordinances and at such other times as by

their said ordinances they shall direct; or the President or a majori-

ty of the trustees shall appoint; for the purpose of transacting such

business for the prosperity and walfare of the institution as may

come before them, in all of which meetings, two-thirds of the trus-

its passage.

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An Act in relation to roads and highways in Brown county.

(APPROVED JANUARY 11, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the provisions of the act to modify the thirteenth section, chapter sixteen, Revised Statutes, approved January 19th, 1846, be and the same are hereby extended to the county of Brown.

SEC. 2. All laws contravening the provisions of said act so far as the county of Brown is concerned are hereby repealed.

SEC. 3. This act to take effect and be in force from and after

the stockholders on the day of the election should the director

fail of the stockholders so appointed fail to mingue of that

which election the president the board shall give thirty day

its passage.

#### CHAPTER XXXI.

An Act to authorize a company to construct a turnpike road from the point where the present State road leading from Oxford to Connersville crosses the State line of Ohio and Indiana, to Connersville.

#### (APPROVED JANUARY 11, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Henry Wright, Jacob Dubois, Ephraim Dorton, Daniel Ogden, H. R. Coleman, Benjamin Miller, John Miller, Samuel Davis, Harvey Yeaman, and B. F. Maloney, all of the county of Union, and State of Indiana, and associates and successors be, and they are hereby constituted a body politic and corporate, under the name of "the Oxford, Billingsville, Dunlapsville, and Connersville Turnpike Company," and by that name may contract, and be contracted with, may sue and prosecute, and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction, and do and perform all other things legitimate for said company to do; and they are hereby invested with all the powers and privileges in any wise necessary and expedient to carry into effect the proper business of the association.

SEC. 2. Any three of the persons named in the first section of this act, shall constitute a quorum for doing business; and so soon as may be by them agreed, shall proceed to open books for subscription to the capital stock, and do all other things for the full or-

ganization of said company.

Sec. 3. In case a quorum shall fail to attend at any time and place agreed upon, those attending may adjourn to another day, or they may consider the stations of the absentees, or any of them as vacated, and appoint some other proper person or persons to fill the same.

Sec. 4. So soon as may be deemed expedient after ten thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time and place for holding an election for nine directors, each of whom shall be a stockholder of at least two shares; said commissioners shall in all things manage such election, and give proper certificates to the persons elected,

who shall hold their offices for one year, and until their successors are elected and qualified.

Sec. 5. All elections after the first for directors of said company, shall be held on the third Tuesday of October, annually, under the direction of any three stockholders, (not directors at the time,) to be appointed by the board at a private previous meeting, or by the stockholders on the day of the election; should the directors fail to appoint, or the stockholders so appointed fail to serve—of which election the president of the board shall give thirty days public notice in some newspaper published in the counties, or adjoining counties, or by posting up not less than nine printed notices at suitable distances along [the line] of said road, and they to be put up in conspicuous and public places; *Provided*, That if from any cause whatever there should be no election held on said day as aforesaid, it shall be lawful to hold the election on any other day, on the appointment and notice of the President, as aforesaid.

Sec. 6. The stockholders of said company on the day aforesaid shall elect by ballot seven directors, who shall hold their offices one year, and until their successors are elected and duly qualified, at which election the stockholders present shall choose two judges and a clerk to conduct the same, which election shall open at ten o'clock, A. M., and close at three o'clock, P. M., on said day; the directors must in all cases be stockholders in said company; each stockholder shall be entitled to one vote for each share he, she, or they may be the owner of, for three months previous to the day of such election, which vote may be given in person or by proxy, duly appointed according to the by-laws of said company, and the persons having the highest plurality of votes given and counted in public shall be declared duly elected; but no delinquent stockholder shall be eligible either as director, or to vote for such, until he

has paid up his delinquency.

Sec. 7. It shall be the duty of the directors selected as above to meet within three days thereafter, and qualify themselves by oath or affirmation, which shall be done by the retiring president of the board, and immediately proceed to elect from their own body a president, treasurer, and clerk; Provided, however, Said board may elect any stockholder to either of the offices of clerk and treasurer if it deem it most beneficial for the interests of the company so to do. The said board at its regular meetings shall have full power and authority to fill all vacancies which may occur in said body by any means whatever, to make and enact all by-laws as they think necessary and proper for the government and welfare of the company, not inconsistent with this act, the laws of the United States, or the State of Indiana, and do and perform all other acts and things, and exercise and enjoy all the rights and privileges for and on behalf of said company, which appertain to corporate bodies. It shall be the duty of the president to preside over the deliberations of the board, sign the minutes thereof, and all contracts entered into for said company, all drafts for money on the treasurer,

and to act for said company in absence of orders from the directors, according to his best judgment in conducting the business of said company; but no act of his shall be binding on said company, unless ordered or ratified by the board of directors aforesaid. It shall be the duty of the treasurer to collect and disburse all moneys belonging to said company, and to safely keep the same until lawfully withdrawn from him by order of the board; to pay over to his successor all money remaining in his hands at the time of his retirement, and in all things to obey the orders of said board made according to law under this act. The duty of the clerk shall be to keep a record of the proceedings of said board, and in all things obey the instructions thereof made in accordance with the law of this act touching the clerk of said board, which officers to give bond with sufficient security for the faithful performance of their duty.

Sec. 8. The said company, by their agents, shall have full power from time to time to examine, survey, mark, and locate the route for a turnpike road, commencing at the east side of the land owned by William Brady, at the point where the present State road leading from Oxford, Ohio, to Billingsville, Indiana, crosses the line of the State of Ohio and Indiana, thence running on the present State road, or as near as the ground will permit, to Benjamin Miller's, in Union county, State of Indiana, thence on or as near the present State road aforesaid as the public convenience or the interest of the company may require, to Billingsville, thence on the best ground for the interest of said company, and the convenience of said company, and the convenience of the public, thence through any improved or unimproved land, to Dunlapsville, in Union county, thence on the best ground for the interest of said company, and the convenience of said company, and the convenience of the public, thence through any improved or unimproved land to Connersville, in Fayette county, State of Indiana, passing through

the village of Alquina.

Sec. 9. The said company, by their agents, shall have full power to enter upon any land to make estimates and surveys, and for the purpose of searching for stone, gravel, wood, or any other materials necessary for the construction of said road; and the said company, their agents, or others authorized by them, shall have full authority to enter on all lands adjoining to, or in the vicinity of said turnpike road as located, and to dig, and cut down, take and carry away so much stone, gravel, wood, or other materials as may be necessary for the construction of said road, which shall not have been appropriated by the owner for any particular purpose; but no such materials shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be determined upon, and either paid or tendered; Provided, however, That in all cases where any person through whose land the said road may run, or on whose land the said materials may be found, shall refuse to relinquish the same, or where a contract cannot be make for said materials, it shall be lawful for said company,

their agent or contractor, to give notice to any justice of the peace of the county where such difficulty may occur that such facts do exist. and such justice of the peace shall summon by the sheriff of said county, the owner of such land or materials to appear before him on a particular day within six days thereafter, and shall appoint three disinterested freeholders of said county, who, after taking an oath or affirmation faithfully and impartially to assess the damages. if any; shall view the land or materials, and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, report thereon whether such person is entitled to damages or not, and if so, how much; but in estimating the value of the materials, the assessors shall do so at cash value. without reference to any value being given to them by the construction of said road, whereupon said justice shall enter judgment thereon, unless for good cause shown; and on either party showing good cause, the justice may grant a review of the premises, either with or without costs; Provided, however, That either party appeal from such judgment within thirty days to the circuit court of the proper county, and such court shall appoint viewers as above directed, who shall report at that or the next term of the said court. in the discretion of the court, whose judgment shall be final; but no appeal shall be allowed from said justice for any informality in his proceedings, nor shall any matter be tried in said circuit court, except the assessment of damages or value of the land or materials: nor shall said appeal delay the immediate construction of the said road, the said land, or the removal and use of materials by the appellee: Provided, Said appellee will pay said assessment into the hands of said justice, for the use of said appellant, within twenty days from the rendition of the same, with all costs awarded against the said appellee. On all appeals under this section of this act to the circuit court from any judgment aforesaid, unless the said appellant shall recover a judgment in said circuit court on said assessment, for a sum exceeding the assessment before the justice, of five dollars, if defendant below or if plaintiff before said justice, the assessment from which he appeals must be reduced in said circuit court, not less than five dollars, otherwise said appellant will not recover in said circuit court any costs of the appellee.

SEC. 10. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of twenty-five dollars each; and said company are hereby invested with power to increase the capital stock of said company, to accomplish the objects herein

contemplated, if the same is necessary.

SEC. 11. The corporation shall, previous to their opening books for the subscriptions to the capital stock, give due notice of the times and places where books will be opened; in each of said books the following entry must be made: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite to our names, in labor, materials, land or money (the value of the first to be settled by the board of directors) in such manner and

at such times and proportions as the president and directors of the Oxford, Billingsville, Dunlapsville and Connersville Turnpike Company may direct. Witness our hands, this — day of — A. D. 18—"

Sec. 12. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the commissioners of any county, the mayor and common council of any city within the United States to subscribe for any amount of capital stock not exceeding four hundred shares, and the books shall be kept open for such space of time, and at such place or places, as the corporation may by their agents offer for sale in any other State, any amount of stock upon such terms and conditions as may be thought advisable.

Sec. 13. That the directors of said company may receive personal property and labor, and also real estate in payment of stock to said company, which shall be estimated at cash value by said directors, and whenever the directors and the persons offering the same in payment of stock, are unable to agree as to the value thereof, the same shall be valued according to the provisions of the

ninth section of this act.

Sec. 14. The president and directors of said company shall cause said road to be opened not exceeding sixty feet wide, at least twenty feet of which shall be made an artificial road, composed of stone or gravel well compacted together in such a manner as to secure a firm, substantial, and even road, rising in the middle with a gradual arch or curve, with sufficient drains on each side of the road to convey the water therefrom; and shall maintain and keep the same in good repair, and in no case shall the ascent in the road exceed four and one-half degrees elevation.

Sec. 15. That if it be found necesssary and advantageous to the location and construction of said road, the company shall have the right to lay the same along and upon any State or county road: Provided, however, The company may, before said location be actually made, apply to the board of county commissioners of the counties of Union and Fayette, separately, as the case may be, for such right, who are hereby vested with power to grant the same by an order [entered] on their record, and when the said turnpike road is fully completed and finished, and fit for travel, the aforesaid State and county roads along and upon which said turnpike road may be located shall be deemed vacated according to law.

SEC. 16. It shall be lawful for said company either before or after the location of any section of said road to obtain from the person or persons through whose land the same may pass, a relinquishment of so much land as may be necessary for the construction and location of said road, as also the stone, gravel, timber or other materials, that may be obtained on said route, and may contract for any materials that may be found or obtained on any other land near thereto; and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, land, money, property, labor, or materials of any kind, for the benefit of said corporation; and all such donations, gifts, grants, and bequests, shall be binding

on all persons capable in law to contract, executing the same if made in consideration of said location; and the said company may compel the due performance thereof according to law, or in equity as the case may be: *Provided*, The same has been made in writing, and signed by the party making the same.

SEC. 17. That when said company or corporation shall have procured the right of way, as herein provided, they shall be seized of the right to such land, and shall have the sole use and occupation of the same during the time the same shall be occupied for said road, and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb or injure any of the rights and privileges hereby granted, or that would be calculated to detract

from or affect the profits of said corporation.

Sec. 18. That if from any cause whatever, the funds of the said company shall be found inadequate to meet the payments due to the contractors on said road for its construction [and] completion, the said company are hereby authorized and empowered to borrow on the stock and credit of said company, any sum of money for a temporary purpose, not exceeding one-fourth of [the amount of] the subscribed capital stock of said company; but the directors shall not grant any special pledge of the stock, works, or capital of said company for the payment or redemption thereof.

Sec. 19. That the following shall be the rates of toll to be demanded and received of all persons traveling said road, viz: for every five miles of said road, and in the same proportion for any less distance—for every four wheeled carriage or wagon [drawn] by two horses, asses, jacks, or oxen, or any other four-footed animals. twelve and one-half cents; for every horse or other animal in addition thereto, three cents; for every two wheeled carriage drawn by two horses or other animals, eight cents; for every horse or other animal in addition thereto, three cents; for every sleigh or sled drawn by two horses, oxen, or other animals, six and one-fourth cents; for every horse or other animal in addition thereto, two cents; for every horse and rider, three cents; for every horse, mule or ass, six months old and upwards, led or driven, two cents; for every head of neat cattle, six months old and upwards, one and one-half cents; for every head of sheep, or hogs or calves, one cent; for every four wheeled pleasure carriage drawn by two horses, twenty cents; for every additional horse or other animal, three cents; for every gig, chaise, buggy, cart, or other vehicle, drawn by one horse or other animal, six and one-fourth cents: Provided, That such shall be exempted from the tolls aforesaid as are specified in the next preceding [succeeding] section of this act.

Sec. 20. That all persons going to or returning from mill, on horseback, public worship on Sabbath or other days of the week, funerals, whether in procession or out of procession, military trainings, Ministers of the Gospel, and the troops and armies of the United States, whether passing in regular ranks or otherwise, all officers of the United States army and their staff, whether on duty

or off of duty, may pass on said road free of toll. Said company may by their by-laws make any other exceptions or reductions in all other cases which they may think necessary and proper to be made.

Sec. 21. That if any person or persons using said road shall, with intent to defraud said company, or to avoid the payment of tolls, pass through any private gate or bars, every such person concerned in such fraudulent practice, or who shall use any fraudulent means to evade the payment thereof for himself or others, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs in an action of debt at the suit of the company, before any justice of the peace in said county of Union, and said county of Fayette, (as the case may be,) on which judgment no stay of execution shall be allowed: *Provided*, Nothing in this act shall be so construed as to prevent persons from using said road for neighborhood purposes.

S<sub>EC</sub>. 22. That if any person or persons shall wilfully or wantonly obstruct, injure or destroy said road, or any part thereof, or injure or destroy any toll-gate, house, or mile stone, or post, or stone thereon, or any printed or painted list of tolls, they shall on conviction thereof, forfeit and pay to said company treble the value of the property destroyed, or injury sustained, to be recovered by said company, with costs of suit, in an action on the case, before any justice of the peace within the county of Union, or the county of Fayette, as the case may be.

SEC. 23. That said company shall put up a post or stone at the end of each mile, with the number of miles from the State line of Ohio, the number of miles from the city of Cincinnati, the number of miles from each point named in this act, fairly cut or painted thereon, and also in a conspicuous place at or near each gate, they shall place a board with the rates of toll fairly printed or painted thereon, and no tolls shall be demanded unless said rates are kept up as herein provided.

Sec. 24. That if any toll gatherer on said road shall unreasonably detain any person or passengers, after the toll has been paid or tendered, or who shall demand and receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, one half to the party aggrieved, and the other half to the school district in which said offence is committed, to be recovered before any justice of the peace having jurisdiction thereof, at the suit of the State of Indiana: Provided, Said suit is commenced within twenty days from the committing of said offence, and in cases where the toll gatherer who may have committed the aforesaid offence is an irresponsible man or woman, then and in such case said fine aforesaid shall be paid out of any money in the treasury of the company or corporation aforesaid, and in case of the said corporation failing or refusing to pay the fine as aforesaid, then an action on the case shall lie against said corporation aforesaid before any justice of the peace having competent jurisdiction.

SEC. 25. That it shall be the duty of the board of directors to make an annual report of their proceedings to the stockholders of said company, on the day of, and prior to the annual election of directors, which report shall specify accurately the affairs of said company, showing the amount of costs for the construction of said road and for repairing the same, with all expenditures and amounts of tolls received during their terms of office for the past year, and other necessary and incidental matters connected with the management and conducting of said turnpike.

SEC. 26. That it shall be the duty of said board to declare annually what dividend shall be paid to the stockholders of said company on their respective shares, which shall be payable at the office of the treasurer of said company, but no dividend shall be paid until the whole debts of the company are fully paid, discharged and liquidated for the construction of said road, and all moneys that may have been borrowed by the directors for the use of said road

company.

SEC. 27. That the said company shall be and they are hereby authorized and empowered to demand and receive the same amount or rate of toll herein specified from the rider, driver, or owner of any horse, carriage or vehicle conveying the mail of the United States, that they might claim and demand of and from any other persons using, driving, riding, or passing over said turnpike road, and may recover said tolls before any justice of the peace having jurisdiction thereof in an action of debt, with costs of suit, any law to the contrary notwithstanding: *Provided*, however, That the said company shall not stop or detain the said mails, or any person, horse or carriage conveying the same, for the payment of the toll thereof.

Sec. 28. That after the completion of said road, and the demanding and receiving of tolls thereon by the said company, if by the wilful neglect of the said company, the said road should become impassable for want of repair or otherwise, and continue so for the space of ten days next ensuing from notice, any person feeling himself aggrieved or injured by such neglect may make complaint to any justice of the peace of the counties of Union and Fayette having jurisdiction thereof, whose duty it shall be forthwith to appoint three disinterested freeholders of said county or counties to examine the part of the road complained of, and report to him immediately; and if in their opinion the road is not in the state of repair contemplated by this act, the justice of the peace aforesaid shall certify the same to the gate keeper or gate keepers on said road, forbidding them to charge or receive any toll thereon, until said road is fully repaired and made sufficient for travel thereon.

Sec. 29. That the company shall have full power to call for such proportion of the stock subscribed, not exceeding two dollars on the share, the first two months after subscribing, and as much more at the end of the first six months after the company are organized, as will amount to twenty-five per centum of the amount of stock subscribed, and not exceeding twenty-five per centum thereafter every six months on the stock subscribed, as they may deem

proper, to be paid at such time and place as they may designate, by giving sixty days notice in some weekly newspaper published in either the county of Union or Fayette, or if there is none published there, then in one of the adjoining counties, or by posting up ten printed notices in ten of the most public places in the counties of Union and Fayette; and in all such notices, the amount on each share demanded, and the time and place of payment, shall be set forth; and if any stockholder shall refuse or neglect to pay such requisition within ten days after the time named for such payment, or before suit brought for the same, the said company may bring suit against such delinquent for the amount due, in any court of competent jurisdiction in an action of debt, and recover the amount with two per centum per month interest thereon for such detention; and if the amount of judgment recovered cannot be made on execution, or if such delinquent has removed out of the State, then the said company may, by an order on their books, declare said stock forfeited to the company with whatever amount may have been paid thereon, and the same shall be absolutely forfeited to said company.

Sec. 30. Certificates of stock shall be given to the stockholders when said stock is paid, which shall be evidence of the amount of stock held; they shall be signed by the president and countersigned by the clerk of said company, and such stock shall only be transferrable on the books of said company under the hand of the owner, or his representative duly and lawfully appointed; but the said stock shall be at all times holden by said company, for any debt due by said owner to the company; or for any sum that may thereafter become due on a contract made by said owner or owners to

said company prior to such transfer.

Sec. 31. So soon as the said corporation shall have completed the said road as aforesaid, or any continuous five miles from the place of commencement thereof, agreeable to the provisions of this act, they may then erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons travel-

ing said road the tolls allowed by this act.

Sec. 32. The company hereby corporated shall not be required to procure a relinquishment of the right of way from any person that may own the land through which the aforesaid road may pass, for that part of said road that may be laid and located immediately upon the present State road leading from Oxford to Connersville,

by way of Billingsville.

SEC. 33. This act to be in full force and virtue from and after the passage, and shall be deemed a public act, and construed liberally for all beneficial purposes, all costs taxed under it shall be taxed according to the rules of the courts in which the cases are decided, valuators to receive jurors' fees, and sheriff for his services his usual fees for such services; defendants may plead the general issue and under it may give in evidence any and every matter in defence in all actions brought under this act.

Sec. 34. That the board of directors of said company shall be liable in their individual capacity for all debts contracted by said company over and above the solvent stock subscribed thereto, and the Legislature reserve the right to alter, amend, or repeal said charter whenever any of the provisions thereof shall be violated by said company.

# CHAPTER XXXII.

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An Act to provide for the publication of Ordinances in the Town of Terre Haute, in certain cases.

## (APPROVED JANUARY 4, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an ordinance passed by the Common Council of the town of Terre Haute, on the first day of January, 1849, relating to the abatement of nuisances for the protection and preservation of the health of the citizens of said town, shall take effect and be in force from and after the first publication thereof in any newspaper printed and published in said town.

Sec. 2. Be it further enacted, That the Common Council of said town shall have power to provide that such ordinances as are passed for the removal and abating of nuisances for the preservation of the health of the citizens of said town, shall take effect and be in force from and after the first publication thereof in any newspaper printed and published in said town.

Sec. 3. This act shall take effect and be in force from after its passage.

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# CHAPTER XXXIII.

An Act authorizing the Auditor of Clinton county to make a deed in a certain case.

# [APPROVED JANUARY 10, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the auditor of Clinton county be, and he is hereby,

authorized and directed to make to the heirs of David Kilgore, late of said county, deceased, a deed for lots numbers one, four, seven, and eleven, in section sixteen, township twenty-one, range two west, in said county.

SEC. 2. This act shall take effect and be force from and after its passage; and it is hereby made the duty of the Secretary of State to forward a certified copy to said auditor immediately.

## CHAPTER XXXIV.

An Act to amend "An act to provide for the continuance of the construction of all or any part of the Public Works of this State, by private companies, and for abolishing the Board of Internal Improvements and the offices of Fund Commissioner and Chief Engineer," approved January 28th, 1842.

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the company heretofore being organized under the provisions of the act to which this is an amendment, to construct and complete the Central Canal from Indianapolis to Martinsville, are hereby authorized to construct a Railroad between the points before mentioned in lieu of a canal, and that all the rights, privileges, and powers conferred on said Canal Company by the act aforesaid, are hereby guaranteed and continued to the Company constructing said Railroad.

SEC. 2. Said Company shall have the right, at any time, to extend the road from Martinsville to Point Commerce, as soon as a sufficient amount of stock can be obtained between those points to justify its construction.

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## CHAPTER XXXV.

An Act to amend an act, entitled "An act appointing a Board of Superintendents to superintend the changing of the Channel or leveling the banks of Jordan Creek, in Vigo county, and for other purposes," approved January 15, 1846.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the superintendents named in the act to which this is an amendment, or a majority of them, may give written notice to all persons taxed, or proposed to be taxed, to pay for the draining or leveeing of Jordan Creek, in Vigo county, to meet at the house of Samuel Hull, in Honey Creek township, in said county, at such time as may be agreed upon by the said superintendents, who, when assembled, may elect, by ballot, three discreet and disinterested citizens of said township, to act as a board of arbitrators, whose duty it shall be to take into consideration the assessments made under the act above recited, and to equalize them in proportion to the benefits which shall accrue to the various tracts of land by reason of the draining of said Creek: Provided, Said arbitrators shall not assess, on the lands taxed, a sum below the whole amount necessary to pay for the improvements [made,] and the expenses necessary to carry out the provisions of the law to which this is amendatory.

Sec. 2. If any owner of lands taxed under the authority of the act to which this is [an] amendment, shall feel aggrieved by the award of the arbitrators elected under authority of this act, they may take an appeal from the same to the circuit court of Vigo county, in the same manner as appeals are taken from justices' courts: *Provided*, Any such appeal shall be taken within thirty days after the assessment or assessments shall have been made by the arbitrators, and a copy of the same, in writing, shall have been delivered to him by one of the superintendents named in the act to which this is amendatory.

Sec. 3. The arbitrators to be chosen, by virtue of the first section of this act, shall, before entering upon their duties, take an oath or affirmation that they will faithfully, impartially, and diligently perform the duties of arbitrators in the case or cases submitted; and they shall be entitled to receive the sum of one dollar and fifty cents each for every day necessarily employed in such duties, to be paid by the superintendents named in the act to which this is an amendment, out of any moneys coming into their hands, by virtue of the act above recited.

Sec. 4. When the arbitrators shall have completed the assessment, it shall be their duty to deliver the same, in writing, to the superintendents named in the act to which this is an amendment.

and it shall then be the duty of the said superintendents to notify the persons assessed of their respective liabilities under the law, in writing, and demand payment, which, if refused or neglected for ninety days, shall be recoverable by suit before any court having competent jurisdiction.

SEC. 5. It shall be lawful for the superintendents aforesaid to place in the hands of one of their own body the duplicate of assessment, who is hereby empowered to collect the same, and it is made the duty of the said superintendents to allow him such reasonable compensation as to them shall seem proper, to be paid out of any moneys coming into their hands by virtue of the act to which this is an amendment.

SEC. 6. The name "Jeremiah," where it occurs in the act to which this is an amendment, is hereby striken out, and any three of the superintendents shall constitute a board for the transaction of business.

Sec. 7. This act to be in force from and after its passage.

## CHAPTER XXXVI.

An Act defining the mode of appointing Trustees of the County Library of Sullivan county.

# [APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of county commissioners in Sullivan county be, and it is hereby made the duty of said board, at any regular session thereof, to appoint a Board of Trustees, to consist of not less than five in number, which shall be denominated a Board of Trustees, to take charge of all the books, funds, &c., belonging to the County Library of said county of Sullivan; and all vacancies shall thereafter be filled by said board of county commissioners; but in all other respects the said Board of Trustees shall be governed by the laws now in force.

Sec. 2. Any act contravening the provisions of this act be, and the same is hereby repealed, so far as it relates to the county of Sullivan.

Sec. 3. This act to take effect and be in force from and after its passage.

### CHAPTER XXXVII.

An Act levying a tax on the inhabitants of the Town of Marion and the additions thereto, and upon persons owning real estate therein.

## [APPROVED JANUARY 10, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of improving the streets, alleys, and side-walks in the town of Marion, Grant County, Indiana, and in the additions thereto, there shall be levied and collected a tax of twenty-five cents on each one hundred dollars valuation of real property, with the improvements thereon, in the town and additions aforesaid, which sum may be worked out at the rate of seventy-five cents per day, under the direction and care of a supervisor, who shall be elected by ballot at the spring election, viz: on the first Monday in April, by the qualified voters residing in the town of Marion and the addition thereto, and who shall reside within the limits of said town and additions, and who shall hold his office for one year, and until his successor is chosen and qualified, receiving the same pay as do other supervisors of roads and highways, to be paid out of funds arising under the provisions of this act.

Sec. 2. It shall be the duty of the auditor of said county of Grant each year, to make out from the assessment and valuation of all the real property and improvements thereon, as returned and filed in his office by the proper officers of said county, the amount of taxes contemplated in the first section of this act chargeable to each individual, and place the same in the tax duplicate for the said county in a separate column, in the same way and manner that he does the taxes for State and county purposes, which shall be by the treasurer of said county collected (if not worked out under the provision of the first section of this act) as are other taxes, and paid over to the person authorized to be elected under the preceding section, and by him expended to the best advantage in the improvement of the streets, alleys, and side-walks aforesaid.

SEC. 3. The said supervisor [shall,] within twenty days after his election, take an oath or affirmation for the faithful discharge of his duty as such supervisor before the auditor of the county of Grant, (which oath or affirmation shall be by him, the said auditor, filed away among the papers of his office,) and also give bond in the penal sum of five hundred dollars, with good freehold surety to the auditor of Grant county for the use and benefit of the inhabitants of the town of Marion and additions thereto, conditioned for the faithful discharge of his duties according to law, upon which suit may be brought in the name of the auditor as above for any and all breaches of the same.

SEC. 4. In addition to the tax above authorized to be levied.

and collected, each able-bodied male inhabitant of the town of Marion and additions thereto, over the age of twenty-one years and under fifty years, shall be required to work two days in each year on the streets, alleys, and side-walks of said town, under the direction of the supervisor to be chosen by virtue of this act, on or before the first Monday in October of each year.

Sec. 5. The law now in force regulating the working of roads and highways, shall govern the supervisor herein contemplated in the discharge of all the duties which shall devolve upon him by virtue of this act; and he is hereby authorized and directed to enforce a compliance with the provisions of this law in the same way, and under the laws by which other supervisors of roads and highways are governed.

Sec. 6. Any person elected as supervisor under the provisions of this act, who shall neglect or refuse to take oath and give bond as aforesaid, shall be liable to presentment or indictment in the Grant circuit court, and be fined not more than fifteen nor less than five dollars.

SEC. 7. This act to take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to cause a certified copy of the same to be filed in the auditor's office of the county of Grant.

# CHAPTER XXXVIII.

An Act defining the duty of the Board of Commissioners of the County of Monroe.

# (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners doing county business in the county of Monroe, shall make to the clerk, recorder, auditor, and treasurer of said county, for fuel and stationary, such annual allowance as to them may seem just and right.

Sec. 2. That this act be in force from and after its passage.

### CHAPTER XXXIX.

An Act to incorporate the Delphi and Frankfort Plank Road Company.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Reed Case, Newton H. Gist, Abner H. Bowen, James H. Stewart, John Simpson, of the county of Carroll, and J. Q. A. Perune, [Perrin] Solomon Hays, John Blake, John Crothers, Noah T. Catterlain, of Clinton county, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the President and Directors of the Delphi and Frankfort Plank Road Company; shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any of the courts of justice whatsoever, and to make and use a common seal, and the same to alter at pleasure, and shall be able and capable in law to make con-i tracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said corporation shall be fifty thousand dollars, to be divided into shares of twenty-five dollars each.

Sec. 3. The directors named in this act, or a majority of them, may meet at such time at such time and place as they may agree upon, and organize said corporation by electing one of their body to be president, and after such organization, any five of the board shall be a quorum.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, and all other officers and persons necessary to carry into effect the objects of this act; they shall keep a journal of all their proceedings, in which shall be entered all the by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ, which journal shall be read from time to time by the board, and if found correct, shall be signed by the president; [they may sit on their own adjournment, or on the call of the president.] When the president is absent they may appoint a president protempore—they shall fill all vacancies that may happen in their body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time and place or places as they may choose, and due notice thereof shall be given; in each of which books the following entry shall be made:—We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in such manner and propor-

tion and at such times as the president and directors of said corporation may direct.

SEC. 6. It shall be lawful for all persons of lawful age, the county boards of the counties of Carroll and Clinton, and the town council of the towns of Delphi and Frankfort in the counties aforesaid, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time and at such place or places as the corporation shall choose, and may be re-opened at any time; they may by agent offer for sale in any other counties or States, any amount of stock upon such terms and conditions as may be thought advisable, and they shall have power on their credit to borrow money on such terms as may be agreed on by the parties: the corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any further payment on the stock shall be under the control of the corporation.

Sec. 7. As soon as four hundred shares a resubscribed, and the amount paid on each share as determined by the corporation as provided in the preceding section, it shall be the duty of the corpotion to give three weeks notice in one of the newspapers of each of the counties of Clinton and Carroll, and in such notice appoint a time and place for the stockholders to meet and elect ten directors, who shall be stockholders and citizens of the counties of Clinton and Carroll, which election shall be held with three months after the time of paying the first instalment, and shall be conducted by two judges appointed by the stockholders present, and the person having the plurality of the votes given and counted in the public meeting shall be declared duly elected; in all elections, each share, the instalment on which shall have been duly paid when required, shall entitle the holder to one vote, and votes may be given by persons owning the same, or by any authorized agent.

SEC. 8. It shall be the duty of the directors elected as above and all those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected shall continue in office until their successors are elected and qualified.

Sec. 9. All elections after the first, shall be held on the first Monday in October annually, under the direction of [three] stockholders who are not directors at the time, to be appointed by the stockholders present, of which elections due notice shall be given; Provided, That if from any cause whatever there shall be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to stockholders which shall be evidence of stock held; it shall be signed by the president and countersigned by the clerk; the stock shall be transferable on

the books of the corporation only, or by an agent or attorney, or by an executor, administrator or guardian, but such stock shall at all times be holden by the corporation for any dues from the holder thereof to the corporation, or for any sum that hereafter become

due on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty per centum of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in one or more of the newspapers of the counties of Clinton and Carroll, or by giving written notice to the stockholders: in such notice the amount on such share demanded and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due in any court of competent jurisdiction, and recover the amount with two per centum interest per month thereon for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books. declare such stock forfeited to the corporation with whatever amount may have been paid thereon, and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors. or receive any dividend on his, her, or their stock, until the corporution shall be fully paid and satisfied.

Sec. 12. The corporation shall have full power to require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper for the

faithful performance of their respective duties.

SEC. 13. The corporation shall have full powers to survey, mark, and locate a plank road, commencing at Delphi in the county of Carroll, thence to Frankfort in the county of Clinton, thence to some point on the Michigan road, with full powers to diverge from a straight line, whenever more favorable ground can be had or the interest of the company may require.

Sec. 14. It shall be lawful for the corporation either before or after the location of any section of the road, to obtain from any person or persons through whose lands the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of said road, also such materials as may be

obtained on said route for the construction of said road.

SEC. 15. That in all cases where any person through whose land the road may run shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty may occur that such facts do exist, and such justice shall thereon summon the owner of such land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested freeholders of the

neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any; view the lands or other materials, and after taking into consideration the advantages as well as the disadvantages the road may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; that in case either party shall show sufficient cause why judgment shall not be entered, the justice may grant a review of the premises either with or without cost; Provided, That either party may at any stage of the proceedings appeal to the circuit court of the proper county, as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the said court shall be final.

SEC. 16. That if it shall be found expedient or advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any State or county road; Provided, however, That before such location shall be made, the corporation shall make application to the county commissioners of the proper county for such right, and said commissioners are hereby vested with power to grant the same by an order entered

on their records.

SEC. 17. That when said corporation shall have procured said right of way as hereinbefore provided, they shall be seized in full right of said land, and shall have the sole use and occupancy of the same, and no person, body politic or corporate, shall in any way interfere with, molest, disturb, or injure any of the rights or privileges hereby granted, or that would be calculated to detract from

or affect the profits of said corporation.

S<sub>EC</sub>. 18. The corporation shall commence the construction of said road at any time within two years from the date of this act, and may from time to time construct such portions of said road as may be within their ability and to the interest of the corporation; shall complete the whole of said road within four years from the time of of the commencement of the same; *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may for good cause shown give further time to complete the same.

Sec. 19. It shall be lawful for said corporation to erect gates at suitable distances apart, and demand and receive from all persons traveling said road (footmen excepted) the tolls allowed and fixed by said corporation; Provided, That the corporation may at any time alter or amend or change the rate of tolls; Provided, however, That the tolls shall never be raised higher than an average of tolls charged on roads of a similar character in this State; and it shall be the duty of the corporation, when the rate of tolls shall be determined, to post the same up in some conspicuous place, at each place of receiving tolls on said road.

SEC. 20. That if any person or persons using said road shall with intent to defraud said company or invade the payment of tolls pass through any gate or bar erected on said road according to the provisions of this act, or shall practice any fraudulent means, with intent to lessen the payment of tolls, or shall travel on said road he. tween such gates more than one mile in distance, and not report the same to the proper person authorized to receive such tolls and pay the same, shall for every such offence forfeit and pay to the corporation the sum of five dollars, to be recovered with cost of suit, in any action of debt, at the suit of the corporation before any justice of the peace of the county; Provided, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises for common or ordinary business.

Sec. 21. The corporation shall make dividends of so much of the profits, and at such times as the corporation may deem proper. and pay the same to the several stockholders as soon thereafter as

they conveniently can.

Sec. 22. That if any person or persons shall willfully and knowingly injure or obstruct said road or any part thereof, or shall break. destroy, or injure any gate, bar or toll house, or any other property belonging thereto, such person or persons so offending shall pay the corporation three times the amount of damages actually done, with costs of suit, to be recovered by the corporation before any court having competent jurisdiction; Provided, That all actions commenced by the corporation or against the same for damages, shall be commenced within six months from the time such cause of action accrued and not after.

Sec. 23. It shall be the duty of the corporation to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders at every annual election, or at any general

meeting of the same.

Sec. 24. Any number of stockholders holding one third of the stock may call a general meeting of the stockholders by giving four weeks' notice in one or more of the newspapers of the counties of Clinton or Carroll, and specifying in such notice the object of such call and a majority of the stock being represented, they may make such order in relation to the concerns of the company as a majority may determine.

Sec. 25. Should the capital stock therein [herein] granted, be insufficient to accomplish the intended work, the company may in any

case increase the same.

Sec. 26. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the auditor of each of the counties of Clinton and Carroll, and from and after that time it shall not be lawful for said coporation to alter or change any part of said road, without first obtaining the consent of the county board in which such change is proposed.

SEC. 27. That if, after the completion of said road, it shall be

suffered to go into decay or be impassable for six months, unless when the same is repairing, this charter shall be taken and considered [as] forfeited.

SEC. 28. The president and directors of the company shall be liable in their individual capacity for all debts contracted in the prosecution of said work above the amount of solvent stock secured to the company; and the legislature reserves the right to alter, amend, or repeal this charter whenever any of its privileges shall be violated.

Sec. 29. This act shall be in force from and after its passage,

and shall be taken to be a public act.

## CHAPTER XL.

An Act to authorize supervisors in Wells county levying an additional road tax, when neces-

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That when the labor and road tax assessed on the inhabitants and property of any road district in the county of Wells shall be insufficient to make or keep the highways within the same in repair, the supervisor shall make another assessment of labor upon the inhabitants of his district, not to exceed three times the amount of such regular [labor] of the current year; such assessment of labor shall be worked out under the direction of the proper supervisor. and on failure of any person to work out the same as required by the supervisor in his proper district, the person so failing or neglecting to work out the same, shall be liable to the same penalties as they are now liable to in cases of failure or refusal to work out or pay the same, as is now assessed under the present law.

Sec. 2. This act to take effect and be in force from and after

its passage.

## CHAPTER XLI.

An Act to change the name of the Ciceronian Society of the Franklin College to the name of Alpha Pi.

#### (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That, after the passage of this act, the Ciceronian Society of Franklin College shall be called and known by the name of [the] Alpha Pi [Society] of the Franklin College; and by that name shall have all the immunities and rights, and be subject to all the liabilities secured and imposed by the act of incorporation of said Ciceronian Society, approved January 13, 1848.

## CHAPTER XLII.

An Act for the relief of Andrew Shaw.

#### [APPROVED JANUARY 12, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That this General Assembly consents to the execution of a deed and agreement for and in relation to the north west quarter of section number five, in township number thirty-seven, north of range number one west, in Laporte county, executed by Ka-kant-mah, alias Isaac S. Berry, an Indian, to Andrew Shaw, which deed bears date the 17th day of April, 1848, and is recorded in the Recorder's office of Laporte county.

Sec. 2. This act to be in force from and after its passage.

## CHAPTER XLIII.

An Act to incorporate the Washington Turnpike Company in Wayne county, Indiana.

## (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John Martindale, Joshua Albertson, William C. Bond, Charles Evans, and William Bell, of Clay township in Wayne county, and their successors in office duly elected as hereinafter directed, are hereby constituted a body corporate and politic, and shall be known by the name and style of the President and Directors of the Washingon Turnpike company, and shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatsoever, to make and use a common seal, and the same to alter, change, or renew, at pleasure, and shall he able and capable in law to make contracts and enforce the same, and make and enforce the necessary by-laws and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same not inconsistent with the laws and constitution of the State of Indiana.

Sec. 2. The said corporation, by their agents, shall have power and authority from time to time to examine, survey, and locate the route for a turnpike road, commencing where the Richmond and Washington State road crosses the State road leading from Centreville to Williamsburgh, [and] running west to Washington in Wayne county, on the line of said Washington State road.

Sec. 3. The capital stock of said company shall not be more than fifteen thousand nor less than seven thousand dollars, divided into shares of twenty-five dollars each.

Sec. 4. It shall be lawful, so soon as three thousand dollars shall have been subscribed, for the Directors herein appointed, or a majority of them, to meet and organize and commence operations on said work, and it shall be the duty of the company, in good faith to commence said work within three years, and finish the same within seven years from and after the passage of this act, and on failure so to do, this charter shall be forfeited.

Sec. 5. That an act entitled "an act to incorporate the Centreville and Abington Turnpike Company," approved Feb. 12, 1848, except so far as the same is changed or modified by this act, is hereby adopted and made a part of this act, as fully as if the several provisions of said act were fully set forth in this act, and the said company incorporated by this act shall be governed by the

Sec. 6. This act to be in force from and after its passage.

## CHAPTER XLIV.

An Act to re-survey and re-locate so much of the Indianapolis and Fort Wayne State road as lies within the counties of Grant, Wells, and Huntington.

### [APPROVED JANUARY 15, 1849.]

Whereas, Said State road, leading from the town of Indianapolis to Fort Wayne, was laid out and established more than twenty years ago, and the record thereof burned or lost; therefore,

RECTION 1. Be it enacted by the General Assembly of the State of Indiana, That Shaderick Thornburgh, of the county of Grant, Solomon Johnson, of the county of Wells, and John Alexander, of the county of Huntington, be and they are hereby appointed commissioners to re-survey and establish so much of the said Indianapolis and Fort Wayne State road as lies within the counties of Grant, Wells, and Huntington; commencing at the point where said road crosses the Richmond and Logansport State road, at what is called the "old McCormick stand" in Grant county, thence along the line where said road was formerly marked and laid out, or as near thereto as the nature of the ground will permit, continuously through the counties of Grant, Wells, and Huntington, to where said road crosses the line dividing the counties of Allen and Wells.

SEC. 2. The said commissioners, or any two of them, shall meet at the place of beginning on or before the first Monday in May next, or so soon thereafter as they may agree upon, and after having taken an oath or affirmation, before any person authorized to administer the same, to faithfully and impartially discharge their duty as such commissioners, shall proceed to mark and lay out said proposed State road, and to that end shall have power to employ a surveyor and such chain-carriers and markers as they shall deem necessary: *Provided*, it shall not be necessary for said commissioners to mark and lay out any portion of said proposed road lying within the county of Grant, which, upon examination, they shall find to be a legally established public highway.

Sec. 3. The said commissioners shall make report of their proceedings to the next session of the board of commissioners of their respective counties, after they shall have completed such survey and location, which boards shall record the same at full length in their order books, and declare the same a public highway, according to law, and make to such commissioners, surveyor, markers, and chain-carriers, as may be employed, a fair and reasonable compensation for such services.

SEC. 4. This act to take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to cause a certified copy of the same to be filed in the Auditor's office of the county of Huntington.

## CHAPTER XLV.

An Act to legalize certain acts of the Auditor of Marshall county

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the several acts of the Auditor of Marshall county, in taking and certifying acknowledgements of deeds, mortgages, and all other instruments of writing, which by law are required to be acknowledged, are hereby legalized and made valid, and the said several deeds, mortgages, and other instruments of writing, are hereby declared to be as valid, and the said acknowledgements and the record thereof shall have the same force and effect, as if the said Auditor had been at the time duly authorized to take and certify such acknowledgements.

Sec. 2. This act shall be in force from and after its passage.

## CHAPTER LXVI.

An Act to incorporate the Greensburg and Brookville Turnpike Company.

## (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Hiram Carmichael, James Osborn, David Allay, and James Fissa, of the county of Franklin, and Providence Harding and William Randle, of the county of Decatur, and their successors in office, duly elected and qualified, be and the same are hereby created a body corporate and politic, by the name of the Brookville and Greensburg Turnpike company, with full powers to sue and be sued, to answer and [be] answered unto, to plead and [be] impleaded, defend and be defended, in any court of justice in this State, and to adopt such by-laws, not contrary to the laws of the State, as they may think best—to have a common seal, and to alter or change the same at pleasure.

SEC. 2. The Directors named in the first section of this act shall, at such time and place as they may deem best, cause books to be opened for subscription to the capital stock of said company, and no share of stock shall be for a less sum than fifty dollars; and when a sufficient amount of stock shall have been subscribed to justify a commencement of said road, the corporation shall have full power to view, mark and locate a turnpike or plank road, or such portion or portions of either, as a majority of the directors may agree upon; from the town of Greensburg, in the county of Deca-

tur, to the town of Brookville, in Franklin county, touching at the intermediate place of Oldenburg, upon such route as the directors may think best for the interest of the company, and for public convenience.

Sec. 3. If the directors of said company shall determine to make a plank road upon any or all the route above mentioned, they shall construct said road eighteen feet wide; Provided, however, that if a majority of the directors shall think that a single track of nine feet is sufficient, they may make the track but nine feet; allowing the directors of said company to lay a double track when they think the travel thereon will justify; And further provided, that upon that portion of the road which they shall put stone or gravel, [shall] be eighteen feet wide, and at no greater grade or inclination than three and one-half degrees, for neither the plank or stone road.

Sec. 4. That the following [sections] of an act entitled "An act to incorporate the Greensburg and Napoleon Turnpike Company," approved January 26th, 1848, to-wit.: Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 30, be and are hereby adopted for the rules, regulations, and governing of said company; Provided, however, if any provision in either of the above mentioned sections, shall conflict with the obvious intent and meaning of this act, said provisions shall be null and void, so far as relates to the company hereby incorporated.

Sec. 5. This act to be a public act, and to be liberally construed in all courts of justice, and to take effect and be in force from and after its passage.

# CHAPTER XLVII.

An act to preserve the estate of Leon Bowman, deceased.

(APPROVED JANUARY 16, 1849.)

[Section 1.] Be it enacted by the General Assembly of the State of Indiana, That James H. Pepper, and Alexander C. Downey, of Ohio county, be and they are hereby created and appointed receivers for and on behalf of the State of Indiana, to receive and manage, under the provisions of this act, all the estate, both real and personal, of which Leon Bowman, late of Rising Sun, in Ohio county, (now deceased,) died seized and possessed of, or in any wise entitled to.

Sec. 2. That before entering upon the duties of said trust, they

shall give bond jointly or separately, as they may choose, with security, to be approved of by the associate judges of the Ohio circuit court in any sum not less than double the cash value of said estate, as estimated by said associate judges, which said bond or bonds shall be made payable to the State of Indiana, and shall be conditioned for the faithful performance of said trust.

SEC. 3. That it shall be the duty of said trustees, so soon as such bond or bonds shall be filed as aforesaid, to demand of and receive from John Tait, jr., the administrator of the estate of said Leon Bowman, and of and from Oliver S. Pitcher, and of and from any and every person or persons whomsoever, who may in any way, or for any cause, have any monies or property of any sort or kind, in any way belonging to said estate, and that said receivers are hereby fully authorized to commence and prosecute to final judgment, any suit or suits, whether [either] in law or equity, in the circuit or probate courts of Ohio county, Indiana, and that process issued from either of such courts, by the clerk thereof, may be served on any defendant in any county in this State, by the Sheriff or other competent officer of the county, in the county where such service is made, and such defendant or defendants shall be compelled to answer thereto or be defaulted as in other cases.

SEC. 4. That said receivers shall have power to employ such counsel as may be necessary to prosecute any such suit or suits, and pay therefor a reasonable compensation out of said estate, under the order and direction of the court trying the cause.

SEC. 5. It shall be the duty of said receivers to loan out all the moneys, which shall come to their hands belonging to said estate, (after paying the just and legal expenses thereof, if any.) for any term of time not exceeding five years, and take good mortgaged security therefor, payable without relief from the valuation or appraisement laws of Indiana, at a rate of interest not exceeding ten per centum per annum, the interest payable semi-annually.

SEC. 6. That the interest shall be paid to said receivers and by them paid over to Mrs. Nancy Hoover, the widow of Abraham Hoover, deceased, for the use of herself and children; Provided, however, that it shall be lawful for said receivers to retain out of said interest, a reasonable compensation for their services in this behalf.

SEC. 7. That the real estate unsold shall remain unsold, and that part which has been sold may be retained and paid for by the purchaser or relinquished at his election; but if he elect to surrender said real estate to said receivers, he shall do so within ninety days from the passage of this act, and in that case, the whole of said real estate shall remain unsold for the term of five years, (except as hereinafter provided,) and said Nancy Hoover and her family shall have, use, and occupy the same or part thereof and have, receive, and use the rents and profits thereof, or so much thereof as shall not be sold. Provided, however, that should said Leon Bowman have heirs, and shall [should] said heirs furnish due and legal proof of

their said heirship at any time within five years from the passage of this act, then and in that case, said receivers or their successors in trust, and the said Nancy Hoover shall surrender up to said heirs, any and all of said property, both real and personal, belonging to the estate of said Leon Bowman, deceased, and said heirs shall [have] power to sell and convey the same according to the laws of Indiana, and not otherwise; but no such transfer shall take place without an order of the Ohio circuit court, made upon due and strict legal proof under the laws of Indiana, and the general rules of evidence to be furnished by the person or persons claiming the same that they are the lawful heirs of said Leon Bowman, deceased, and all the heirs; otherwise if only part of the heirs of said Bowman, deceased, make and furnish such proof as aforesaid, they shall each receive a proportionate share of said estate and no more.

SEC. 8. That if no proof as above in the last preceding section is provided, of the right of any one by heirship to said estate, or any part thereof, be made and furnished within five years from the passage of this [act,] then said estate, both real and personal, shall become the property of said Nancy Hoover and her three children, the heirs of said Abraham Hoover, as their own in fee simple forever, and the State of Indiana, hereby relinquishes to the said Nancy Hoover and her three children aforesaid, all the right, title, and interest which the said State has or can have in, to, and over said estate, both real and personal, and every part and parcel thereof.

Sec. 9. That in case of a vacancy in the trust aforesaid, by reason of the death, resignation, removal, or refusal to serve of said receivers, or either of them, it shall be the duty of the county commissioners of Ohio county, to appoint some suitable person or persons to fill such vacancy, and the person or persons so appointed, shall be governed in all things by the foregoing provisions of this act

SEC. 10. That in case said trustees or receivers or either of them shall mismanage said estate, they may be removed upon due proof made before the associate judges of the Ohio circuit court, at any time.

SEC. 11. This act is hereby declared to be a public act, and shall be in force from and after its passage.

## CHAPTER XLVIII.

An Act to confirm a certain change in the Michigan Road, in Cass county.

## [APPROVED JANUARY 13, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That that portion of the road now used as the Michigan road running from the south end of the Wabash bridge at Logansport, to the Michigan road as originally laid out, a distance of about one mile and a quarter from said bridge, be, and the same is hereby declared to be a part of the Michigan road, which portion of said road so confirmed, shall be and remain at its present width.

Sec. 2. This act to take effect and be in force from and after its passage.

# CHAPTER XLIX.

An act for the relief of Bowen B. McFarland, Cephas and Henry McFarland, late of the U. S Army, in Mexico.

# [APPROVED JANUARY 15, 1849]

Whereas, the above named Bowen B. McFarland, Cephas and Henry McFarland, heirs at law of James Mc Farland stand charged with a State and county tax for the year 1848, in several of the counties of this State, and being entirely unable from sickness and death to raise means for the payment thereof; therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the time for the payment of all taxes which may be due in any county or counties in this State against Bowen B. McFarland, Cephas McFarland and Henry McFarland, heirs of James McFarland, deceased, or against either of them, or against lands owned by them, or either of them, is hereby extended until the year 1849, and it shall be the duty of the several county Auditors where such taxes may be levied to carry such taxes to the duplicates of taxes for said year 1849, and no penalty shall be charged for the non-payment of said taxes in the year 1848.

Sec. 2. This act shall be in force from and after its passage.

## CHAPTER L.

An Act to amend an act, entitled, "an act to incorporate the Terre Haute and Richmond Rail-Road Company," approved January 26, 1847, and an act amendatory thereto, approved February 16, 1848.

#### (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the 11th section of the act entitled, "an act to incorporate the Terre Haute and Richmond Rail Road Company," approved January 26, 1847, be and the same is hereby amended so that said company shall be authorized to declare the stock, and all payments made thereon of stockholders, who fail, neglect, or refuse to pay any two consecutive requisitions or instalments made or called for by the board of directors of said company, for the payment of the same forfeited, without bringing suit against such delinquent; and in case suit is brought in any court of competent jurisdiction by said company against any delinquent who fails, neglects, or refuses to pay any such requisitions for the payment of stock as aforesaid, the amount due may be recovered and collected without benefit [or relief] from any of the valuation or appraisement laws now in force in this State.

Sec. 2. That the 12th section of said act to incorporate the Terre Haute and Richmond Rail Road Company, approved January 26, 1847, and the 3d section of the act amendatory thereto, approved February 16, 1848, be so amended that the directors of said company shall be authorized and empowered to locate, construct and complete the said rail road on any line or point within one mile of the court house in the town of Greencastle.

Sec. 3. In all cases where the owner or owners of lands, stone, [gravel, wood, or other materials,] necessary for the use and construction of said road, shall refuse to relinquish the same to the corporation, or shall refuse to accept a fair compensation therefor, it shall be lawful for the corporation, by their President, or by any Superintendent, Agent or Engineer employed by them, to enter upon, and take possession and use the same, avoiding in all cases, unnecessary damage or injury to the owners or proprietors; and where the said owner or owners may feel aggrieved or injured in consequence of such use of land, or stone, [or other materials,] the person or persons so feeling aggrieved or injured, shall make written complaint before the nearest justice of the peace, within the county where such supposed injury has been done, particularly setting forth the nature and locality of the injury, and the interests of the complainant or complainants therein. Whereupon such justices of the peace shall require the President of said company to appoint one disinterested appraiser, who shall be a citizen of the county in which such justice has jurisdiction, and who shall not be a stockholder in said company, within thirty days from the date of such requisition of the justice, and notify such justice of the name and place of residence of such appraiser; such justice of the peace shall also require the complainant or complainants to appoint one disinterested appraiser, who shall be a citizen of the county and shall not own land within three miles of the line of said road, and such justice shall thereupon summon the appraisers so appointed to meet on a certain day and select a third disinterested appraiser, who shall also be a citizen of that county, and shall neither own stock in said corporation, nor land within three miles of the line of said road, and the three appraisers so appointed, after being duly sworn by said justice to do impartial justice between the complainant or complainants and the corporation, and to take into consideration the benefits resulting to the complainant or complainants by the construction of the road, according to the best of their judgment, shall upon actual trial and computation [view] of the supposed damages, make up their award, and report the same to such justice, who shall thereupon record the same, together with all costs, and enter his judgment and enforce its collection, in the same manner that other judgments are collected: Provided, That the complainant or complainants shall be liable to pay all costs, unless the award of the appraisers exceeds in amount the sum previously offered by the agents of the corporation, as a compensation for the supposed injury; the decision and award of the appraisers so made, shall be final between the parties. unless either party shall appeal the same to the Circuit Court of the county where such difficulty arose, within thirty days after such award is made, and when such appeal is taken it shall be governed by the same rules and regulations as appeals from judgments of justices of the peace in other cases, and in all cases [as aforesaid,] in the decision and judgment of the court and jury, the benefits resulting to the complainant or complainants from the construction of the road shall be taken into consideration, and the judgment of the court so rendered, and [the] award of the appraisers made as before provided, where no appeal is taken, shall be paid by the corporation: Provided, That no claim shall be recovered or paid by said corporation. unless the application therefor be made as herein provided, within two years next after the property shall have been taken possession of as aforesaid; and each appraiser [aforesaid,] shall be allowed one dollar per day for each day they may be actually engaged.

SEC. 4. That so much of the 13th, 15th and 16th sections of the act entitled, "an act to incorporate the Terre Haute and Richmond Rail Road Company," approved January 26, 1847, as conflicts with the foregoing third section of this act, be and the same is hereby repealed.

Sec. 5. The directors of said company are hereby authorized to purchase and hold lands, not exceeding six hundred and forty acres, for the purpose of procuring and raising timber, for the construction and repair of said road.

Sec. 6. It shall be optional with the directors of said company

to accept or reject all or any of the provisions of this act, by filing their assent or dissent with the Secretary of State, at any time within four months after the passage of this act, and if so accepted, such parts as are accepted shall be in force from the time of such acceptance.

# CHAPTER LI.

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An act to legalize the election of a Prosecuting Attorney in the county of Daviess,

## (APPROVED JANUARY 5, 1849.)

Whereas, at the last August election in the county of Daviess, Craven P. Hester received for Prosecuting Attorney a majority of all the votes cast at that election;

AND WHEREAS, it was the intention of the said electors to vote for James S. Hester, the name of said Craven P. Hester having been placed upon the ticket by a mistake of the printer; Now, therefore, to carry out the intention of the citizens of Daviess county,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said error be corrected, and the said election be in all things legalized, and the said James S. Hester be and he is hereby declared to be duly elected Prosecuting Attorney for the county of Daviess, to serve as such according to the laws now inforce upon that subject.

Sec. 2. That this be in force from and after its passage, and the Secretary of State be and he is hereby required to make out and transmit without delay, an authenticated copy of this act to the

clerk of the circuit court in said county.

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An act to incorporate the Indiana Canal Company.

[APPROVED DECEMBER 6, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Athanasius Wathen, William D. Beach, William G.

Armstrong, Samuel H. Patterson, John D. Shryer, Thomas J. Howard, Samuel Merriwether, George F. Savitz, of the county of Clark and State of Indiana, Sheppard Whitman, James Brook, Randall Crawford, John Brown, Somerville E. Leonard, Henry H. Royse, John Austin, William A. Weir, of the county of Floyd and State of Indiana, John Law, of the county of Knox and State of Indiana, Willard Carpenter, of the county of Vanderburg and State of Indiana. Richard W. Thompson, of the county of Vigo and State of Indiana, Abijah W. Pitcher, [and] John Woodburn, of the county of Jefferson and State of Indiana, George H. Dunn, of the county of Dearborn and State of Indiana, James Morrison, of the county of Marion and State of Indiana, Jacob Burnett and Josiah Lawrence, of the city of Cincinnati and State of Ohio, Benjamin Loder, of the city of New York, Erastus Corning, of the city of Albany and State of New York, Henry B. Stone, of the city of Boston and State of Massachusetts, and their successors in office duly elected as hereinafter provided, are hereby constituted a body politic and corporate by the name of "The President and Directors of the Indiana Canal Company," for the purpose of opening and constructing a canal navigation, with suitable locks, docks, and basins, including the water power, around the falls of the Ohio river, within the State of Indiana, with perpetual succession; and by such name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity in any court of competent jurisdiction; and shall have power to make and use a common seal and the same to alter at pleasure, buy and sell, hold and convey real and personal estate, necessary and proper to carry out the objects of this charter, or in receiving or collecting the debts of said corporation, to make contracts and enforce the same, and to establish and put in force such by-laws, rules, and regulations as may be necessary or proper to carry into effect the provisions of this act, and shall have all the other powers incident to corporations at common. law, not inconsistent with the constitution and laws of this State and the United States.

Sec. 2. The capital stock of said company shall be five hundred thousand dollars, to be divided into shares of fifty dollars each: Provided, That if the capital stock of said company, or the actual amount at any time subscribed, shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors of said company from time to time to increase the said stock by the addition of as many shares as they may deem necessary, for which they may at their option cause subscriptions to be received in the manner prescribed by them or may sell the same for the benefit of the company.

Sec. 3. The directors named in this act or a majority of them shall meet at Jeffersonville, in the county of Clark and State of Indiana, on the first Monday of June one thousand eight hundred and forty-eight, and organize by the election of one of their body as President and the election of a Secretary and Treasurer, and after

such organization any nine members, or any other number prescribed by the laws of the company, shall constitute a quorum for the transaction of business, and the said president and directors elected under this act shall continue in office until the next annual election and until their successors are elected and organized.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the objects of this act, and the same to remove at pleasure, and from time to time to fix compensation; they shall keep a journal of their proceedings in which shall be entered all the by-laws, rules, and regulations of the company, and all orders for the payment of such allowances as may be made to their officers and contractors, and all others in their employ, which journal shall from time to time be laid before the board of directors, and if found correct shall be signed by the president; they may sit on their own adjournment, or on the call of the president or any three of the directors; and when the president is absent they may elect a president; and they shall fill all vacan-

cies which may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock of said company at such time and such place or places, as they may choose, due notice of which shall be given at least in one newspaper published in the city or town where said books are proposed to be opened, if any newspaper shall be published in said town or city, in each of which books shall be entered as follows: - "We, whose names are subscribed hereto, do promise to pay to the president and directors of the Indiana canal company the sum of fifty dollars for every share of stock set opposite to our names respectively, in such manner and proportions and times as shall be determined by said company, in pursuance of the charter thereof. Witness [our hands] this - day of -, 184 ." And upon every subscription so made there shall be paid at the time of subscribing to the president and directors, or their agent or agents appointed to receive the same, the sum of five dollars on every share so subscribed or any less sum as may be directed by said corporation.

SEC. 6. It shall and may be lawful for all persons of lawful age, for the agents of any corporation, for the agents of the State or the United States, on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for any such space of time, and at such place or places as the corporation shall choose, and may be opened at any time, and they may by agent or otherwise offer for sale at any place any amount of stock upon such terms and conditions as may be thought advantageous or advisable. The said President or directors shall have power to borrow money upon the credit of the company, and such other security as may be in the possession of the corporation to promote the objects of this act, on such terms as to payment and interest as may be deemed most for the interest of the company.

SEC. 7. As soon as two hundred thousand dollars are subscribed for as above directed, it shall be the duty of said president and directors to give three weeks' notice in one or more newspapers, and in such notice appoint a time and place for the stockholders to meet and elect from seven to thirteen directors, as they may determine. and such election shall be conducted by three judges appointed by the stockholders present, and the persons having a plurality of votes. given and counted in public, shall be declared duly elected. No share shall give a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections one share shall entitle the holder to one vote for every share he may hold to the number of twenty; and votes may be given by persons owning shares, or by one of any partners, or by the husband. father, mother, administrator, executor, trustee, or guardian, or by the authorized agents of any corporation, State, or of the United States; and any person having a right to vote may vote by proxy.

S<sub>EC</sub>. 8. All elections, after the first, shall be held annually on the first Monday of June, under the direction of three stockholders as judges, not directors at the time, to be appointed by the board of directors at a previous meeting, or by the stockholders present at the time of holding said election, of which election notice shall be given in some newspaper or newspapers for three weeks prior to such election: *Provided*, however, If from any cause whatever there should be no election on the day appointed by this act, or by the directors for the first election, it shall be lawful for the directors to

hold the election on any other day.

Sec. 9. Certificates of stock shall be given to the stockholders which shall be evidence of stock held; said certificates shall be signed by the president and countersigned by the secretary. The stock shall be assignable by transfer on the books of the company, personally, or agent, or attorney, or by the executor, administrator, or guardian, the consent of the president and directors being thereto had; but such stock shall be held at all times by the company for any dues from the holders thereof to the corporation, or for any sums that may thereafter become due on contract made prior to such transfer: *Provided*, That after payment in full of any shares in said capital stock, the certificates therefor shall be assignable by endorsement upon the same.

SEC. 10. The said corporation shall have power to call for such portions of stock subscribed, not exceeding fifteen dollars on each share in any one year, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some newspaper of general circulation, where said stock is made payable, in which shall be specified the amount demanded on each share and the time and place of payment; and if any stockholder shall neglect or refuse to pay any such requisition within ten days after the time named for payment as aforesaid, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount

due with ten per cent. damages for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and no such delinquent before the forfeiture of the stock shall have any right to vote for directors, or receive any dividends on his or their stock, until the corporation is fully satisfied.

Sec. 11. That the president and directors of said company shall be and they hereby are invested with all the rights and powers necessary and proper for the survey, location, construction, and repair of a canal around the falls of the Ohio river, within the State of Indiana, and they may hold as much real estate as will or may be deemed necessary for the site of said canal, roads, buildings, docks, basins, warehouses, mills, and the proper application of the water power, or use of water that shall arise from the construction of said canal, with power to make as many dry and wet docks as they may deem advisable.

Sec. 12: If at the closing of the subscription books heretofore mentioned, if it shall be found that a greater number of shares have been taken than is prescribed for by this act, then in that case the persons aforenamed or a majority of them shall proceed to reduce the subscriptions in an equitable proportion among the subscribers, taking off from the largest subscribers and not reducing any one

below twenty shares.

Sec. 13. That said president and directors are hereby empowered and authorized in the prosecution of said work, and for the purposes of surveying, locating, constructing, and repairing of said can'al by themselves or their agent or agents to make contracts and to do all things necessary for carrying the same into immediate effect, and further to require and take such bonds or other securities in their corporate name from any person or persons, they may appoint or contract with as may by them be deemed right and proper.

Sec. 14. That the president and directors of said company, by themselves, their agents or workman, shall have full power and authority to enter into and upon any land in the vicinity of said proposed canal, and survey and lay out such route or track as may be deemed by them most practicable for effecting a safe navigation, and also for suitable locks to it, and dry docks, basins, buildings, warehouses, mills, roads, and the proper application of the water power, or use of the water that may arise from the construction of said canal, doing as little injury to the adjoining grounds and enclosures as is possible in the prosecution of the proposed undertaking and it shall and may be lawful for the owners of the lands and tenements to contract and agree with the said president and directors for the conveyance of so much of said land as will be requisite and necessary for the purposes aforesaid, if the president and directors can agree with said owners, but in case of disagreement, said company may proceed to lay out and open their works on such ground

as they may deem best adapted to the purposes of navigation, water works, wet and dry docks, basins, buildings, warehouses, mills. roads, and the proper application of the water power, or the use of the water that may arise from the construction of said canal, and on the application of either party to the circuit court of Clark or Floyd county, the said court so applied to, shall oppoint twelve persons, who shall be freeholders and disinterested, to view and assess the damages and advantages arising to the said owners by the location of works, locks, dry docks, basins, buildings, warehouses, mills, roads, or the proper application of the water power, or the use of the water that may arise from the construction of said canal, and make report to the proper court, which report when received and admitted to record shall be final; and on the payment of the money, if any is awarded, shall vest in said company the fee simple to the land; the president and directors shall have power to sell or lease the privilege of erecting docks or other locations for water nower or other purposes on said canal or its appendages.

SEC. 15. That it shall and may be lawful for said president and directors, by themnelves, their agents, or workmen, to enter with such force as they may employ for that purpose upon the lands contiguous or near to the proposed canal, and from thence to take and carry away any earth, stone, timber, gravel, being most convenient for making or repairing said canal and appendages, making proper compensation therefor to the owners of said land, if they can agree therein, but in case of disagreement, then it shall be settled by valuation in the manner above recited, and when said canal shall be completed, suitable for the passage of boats drawing four feet water in low stages of water, the said president and directors, by themselves, their agents, or servants, shall have power and authority to demand and receive from the owner or owners, masters or agents of all vessels, boats, barges, or other craft entering said canal, the following rate of toll, to be paid before the said vessel, boat, barge, or other craft shall be suffered to pass through the same, to-wit: for steamboats, sea vessels, barges, or keel boats, any sum not exceeding seventy cents per ton United States measurement; for each flat boat not exceeding twenty dollars; for each raft of timber, plank or other lumber, not exceeding twenty dollars for each sixty feet in length and twenty in width. The said tolls to be paid in gold or silver coin current in the United States; and in no event shall any law be passed requiring or compelling the said company to receive any other currency in discharge of toll. The said president and directors after the canal is completed shall fix and establish such sums as they may deem advisable for the use of the water power, docks, basins, or other appendages to the canal. The foregoing rates of toll for the passage of steamboats, sea vessels, barges, keel boats, flat boats, rafts, &c., through the canal when finished, shall be posted in some conspicuous place or places on the said canal and no other or greater rates shall be demanded than those so posted up. portion to its value or income.

Sec. 16. That if any person or persons shall wilfully and knowingly do any act or thing whatever, whereby the said navigation, or any lock, gate, dam, engine, house, machinery, or other thing thereto belonging shall be injured, damaged, or impeded, or shall commit any wilful trespass, or take or carry away or conceal any material, instrument, tool, or anything belonging to or used in and about said works, or shall open or cause to be opened the locks, or attempt so to do, or to pass or repass without the knowledge of the agent or manager to said canal, he or they so offending shall forfeit and pay to said Canal Company, their tenant or agent, three times the amount of cost or damage sustained by means of or through such wilful act, together with the costs of suit, to be recovered before any court of competent jurisdiction; and in case of clandestinely taking and carrying away, be liable to a prosecution for theft to the land; the president and directors shall his as in other cases.

Sec. 17. That the said president and directors shall keep a true account of the cost and expenditure of said canal, and on the first Monday of June in each year have the same made up, and the balance of profits struck and divided among the stockholders.

Sec. 18. That it shall be lawful for the said company to receive from the United States, or from any other State, or from any body corporate or politic, donations of land, money, or other chattels for the use of the company, and to receive for the same purpose and use voluntary subscriptions and donations from any individual or individuals.

SEC. 19. That the subscription for shares of stock in said company shall be paid in current money of the United States, and whenever the whole amount of capital stock aforesaid is subscribed for, the president and directors, or a majority of them, shall return a just and true list of the subscribers, and of the sums subscribed by each under their hands and seals, to the Recorder of Floyd county, in this State, to be recorded; and for the recording of which they shall allow and pay him the sum of five dollars.

Sec. 20. That the said president and directors appointed by this act, their successors, a majority of them assembled, shall have full powers and authority to agree with any person or persons on behalf of said company, to cut a canal on the Indiana side of the Ohio river, around the falls of said river, commencing or terminating the same at such places and points as they may select, to erect locks, and execute all works necessary for opening, improving, and extending the navigation of said river, and for all other purposes authorized by this act; and if the said president and directors shall deem it expedient to carry the same from place to place, they may do so from time to time, and upon such terms and in such manner as they shall think right and proper.

Sec. 21. No higher rate of an ad valorem or other tax shall be imposed upon the stock or other property of said company than is imposed upon stock or other property in the State, in rateable proportion to its value or income.

Sec. 22. That when said canal is located, it shall be the duty of said corporation to cause a plot of the same to be filed in the office of the clerk of Clarke and Floyd counties.

SEC. 23. That the State of Indiana in time of war shall have the right to transport troops, munitions of war and provisions, free

of toll on said canal.

SEC. 24. The corporation shall cause to kept a fair record of the whole expense of making and repairing said canal with all the incidental expenses, and also a fair account of the tolls received; and the books of said company shall always be kept open for the inspection of any agent of the State, appointed for the purpose aforesaid by the legislature.

SEC. 25. That in case the said company shall not begin the said canal within three years after the passage of this act, and shall not complete the same on or before the first of June one thousand eight hundred and fifty-five, then the said company shall not be entitled to any benefit, privileges, or advantages derived from the passage

of this act

Sec. 26. This act shall take effect and be in force from and after its passage and publication in any newspaper in this State, and shall be deemed and taken to be a public act, and construed liberally for the purposes and objects therein set forth—its publication and the regular organization of the corporation under the same, shall be pre-

sumed and considered as proven in all courts of justice.

Sec. 27. That the southern or lower terminus of said canal shall be located on the Ohio river as said canal company shall select; *Provided*, That it is and shall be necessary for said company before they construct said canal, to procure the consent of the mayor and council of the city of New Albany as to the location of said southern or lower terminus of the same; *Provided*, also, That said mayor and council shall not have the right to require the southern or lower portion of said canal to terminate at a point on the Ohio river, which may be deemed impracticable.

# CHAPTER LIII.

An Act to repeal an act, entitled "An act providing the opening and repairing public roads and highways in the county of Monroe," approved February 3, 1841, and for other purposes.

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Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act, entitled "An act providing the opening and

repairing public roads and highways, in the county of Monroe," approved February 3, 1841, be, and the same is hereby repealed.

Sec. 2. That chapter sixteen of the Revised Statutes of 1843, be, and the same is hereby, declared to be in force in the county of Monroe, except the fifth clause of section ninety-eight, sections eighty and eighty-one of article three, sections one hundred and three, one hundred and four, one hundred and five, and one hundred and six of article four, and all of said chapter which relates to a road tax, which are hereby repealed in the said county of Monroe; that section ninety-seven of article three be, and the same is hereby so amended, in said county, that supervisors shall only be allowed pay for the time necessarily employed in warning the hands; that section one hundred and one of article four be, and the same is hereby so amended in said county of Monroe as to require the supervisors to call out the hands as many days, in each year, as may be necessary to keep the roads and highways in their respective districts in good order; that section thirty of article one be, and the same is hereby so amended, in said county of Monroe, that county roads shall not be less than twenty-five feet wide.

Sec. 3. That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed, as to said county of Monroe.

sumed and considered as proven in all courts of justice.

Sec. 4. This act to be in force from and after its passage.

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Provided. That it is and aball he necessary for said company before

An Act relative to Roads in Marshall, Fulton, and Starke counties.

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the act, entitled "An act making the road tax on land in the counties of Fulton, White, Pulaski, Jasper, Benton, and Starke uniform, and for other purposes," approved January 15, 1844, be, and the same is hereby amended as follows: 1st. Whenever any supervisor of roads in either of the counties of Marshall, Fulton, and Starke shall receive five dollars or upwards of road funds, to be expended in his road district, it shall be his duty to give notice and sell road work as provided in section two of the aforesaid act. 2d. The supervisors of roads in the counties last named, shall give bonds and make returns and settlements in the same manner, and at the same time, as other supervisors are required by law [to do.] 3rd. Said supervisors shall be allowed the sum of

seventy [five] cents each, per day, for every day which they may be actually and necessarily employed as such supervisors, to be paid on the order of the board of county commissioners after such settlement out of the road funds, except whilst employed in working out their own road tax, for which they shall each be allowed the same as others are for like services.

Sec. 2. This act shall be in force from and after its passage; and all laws conflicting with its provisions are hereby repealed.

# CHAPTER LV. III at morning by le

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buly appointed the pame of the Mt. Carmel and Hay

An Act relating to dockets of Justices of the Peace in Pleasant Run Township, in Lawrence county.

# (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Jesse Keithly, Esq., is hereby authorized to demand and receive the docket and papers relating to unsettled business on the same, the docket heretofore made by the said Jesse Keithly, Esq., while acting as a justice of the peace in said township, and when so received to act on the same in the same manner as though he, said Esq. Keithly, was his own successor in office.

Sec. 2. That James H. Anderson, Esq., is hereby authorized to demand and receive the docket and papers relating to unsettled business thereon of Russel Mitchell, Esq., and when so received to act on the same in the same manner as though the said Esq. Anderson had been the successor of said Esq. Mitchell.

Sec. 3. This act to take effect and be in force from and after the filing a certified copy of this act in the office of the clerk of the Lawrence circuit court, and it is hereby made the duty of the Secretary of State to forward the same.

Sec. 4. All laws contravening the provisions of this [act] be and the same are hereby repealed, so far as they relate to the two cases named in this act.

con or persons to fill the same.

Sec. 0. So soon as may be deemed expedient, after six thousand dellars of the capital stock shall have been subscribed, the commissioners, named in the first section of this act, shall appoint some suitable time and place (giving three-weeks notice in the paper as above) for holding an election for five directors, each of whom shall be a stockholder in eqid company, and said commissioners shall in all things manage said election, and shall give pro-

## CHAPTER LVI.

An Act to incorporate the Mount Carmel and Harrison Turnpike Company.

# (APPROVED JANUARY 12, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Geo. Heron, Crocker Snow, Salmon Turrell, Oren Jenkins, and Allison Larue, of Franklin county, their associates and successors in office, duly elected, be, and they are hereby, constituted a body corporate, under the name of the Mt. Carmel and Harrison Turnpike Company, and by that name may contract and be contracted [with], may sue and be sued, prosecute and be prosecuted to final judgment in all courts having competent jurisdiction, and do and perform all other acts and things legitimate for such company to do, and they are hereby invested with all the powers and privileges in anywise necessary and expedient to carry into effect the proper business of the association.

Sec. 2. The capital stock of said company shall consist of fifteen thousand dollars, and may be increased at any time to any sum, not to exceed double that amount, that may be necessary to carry into execution the legitimate objects of said company; and said stock shall be deemed and taken as personal property.

Sec. 3. Said stock shall be divided into shares of fifty dollars each, and may be taken by any individual, company, county, or State, to be paid in cash, labor, or any kind of property, real or personal, that may be agreed upon, and in such way and manner, and at such times and places as shall be by the company prescribed.

Sec. 4. Any three of the persons named in the first section of this act shall constitute a quorum for doing business; and so soon as may [be] deemed expedient, they shall meet at such place as may be agreed upon, (having given three weeks' notice in one of the newspapers published in Franklin county,) and shall proceed to open books for subscription of the capital stock, and do all other things necessary to a full organization of said company.

SEC. 5. In case a quorum shall fail to attend at any time and place agreed upon, those attending may either adjourn to some some other day and place, or they may consider the stations of the absentees, or any of them, as vacated, and appoint a suitable person or persons to fill the same.

Sec. 6. So soon as may be deemed expedient, after six thousand dollars of the capital stock shall have been subscribed, the commissioners, named in the first section of this act, shall appoint some suitable time and place (giving three weeks' notice in the paper as above) for holding an election for five directors, each of whom shall be a stockholder in said company; and said commissioners shall in all things manage said election, and shall give pro-

per certificates to all the persons elected, who shall hold their offices for one year, and until their successors are elected and qualified

SEC. 7. At said election, and at each subsequent election, each stockholder shall have one vote on each share up to ten; one vote on every two shares up to thirty; one vote on every three shares above thirty up to sixty; and one vote on every five shares above sixty; and each stockholder may vote in person or by proxy, but said proxy shall be by certificate from the hand of stockholder voted for, and the election of directors shall be annexed [annual] on the first Monday in February, notice of which shall be given in such manner as the directors of [or] a majority of them shall direct.

Sec. 8. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company: Said board of directors shall choose one of their number to act as president; they shall also appoint a Secretary and Treasurer, and this mode of organization and qualification shall be continued and observed by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business and to supply vacancies that may occur in their own body.

Sec. 9. Said company shall have power to view, mark, locate, and construct a Turnpike road from the town of Mt. Carmel, in Franklin county, to intersect the Harrison, New Trenton, and Brookville Turnpike at or near the mouth of Johnson's Fork, in Dearborn county; and they shall, either before or after the location of said road, obtain from any person or persons, through whose lands the same may run, a relinquishment of so much of said land as may be necessary for the construction of said road; also, the stone, gravel, timber, and other material, and may contract for any stone, gravel, or any other material that may be obtained near thereto, to receive any donations, gifts, grants, or bequests of lands, moneys, labor, property, gravel, wood, or materials for the benefit of said corporation.

Sec. 10. The corporation shall commence the construction of said road within five years of the passage of this act.

SEC. 11. The corporation shall cause said road to be opened not less than sixty feet wide, and at no greater inclination or grade than four and a half degrees, at least eighteen feet of which shall be either stone or gravel, well compacted together in such manner as to secure a firm, substantial, and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair.

Sec. 12. So soon as said corporation shall have completed said road, or any continuous five miles thereof, agreeably to the provisions of this act, they may erect a gate or gates, at suitable distances apart, not less than five miles, and demand and receive of persons traveling on said road the tolls allowed in this act.

Sec. 13. The following shall be the rates of tolls for each and every five miles of said road, and in the same proportion for a greater or less distance, to-wit: For every four-wheeled carriage, wagon, or other vehicle drawn by one horse or other animal, a sum not to exceed seven and a half cents; for every horse or other animal in addition two and a half cents; for every cart, chaise, or other two-wheeled carriage or vehicle drawn by one horse or other animal, not exceeding five cents; for every horse or other animal in addition, two and a half cents; for every sled or sleigh drawn by one horse or other animal, two and a half cents; for every horse or other animal in addition, two and a half cents; for every coach, chariot, or other four-wheeled pleasure carriage, drawn by one horse or other animal, not exceeding seven and a half cents; and and for every additional horse or other animal, two and a half cents; for every horse and rider not exceeding five cents; for every horse, mule, or ass, six months old or upwards, led or drove, not not exceeding one and a half cents; for every head of neat cattle, six months old or upwards, one half cent; every hog or sheep, one fourth cent.

SEC. 14. The company shall put and keep up at the end of every mile, a post of stone or wood, with the number of miles from each extremity, plainly cut or painted thereon; and also, in a conspicuous place, near each gate, shall be placed a board with the rates of toll fairly and legibly painted thereon; and no tolls shall be collected at any gate on said road, unless said board with said rates of toll

shall be put and kept up at or near said gate.

Sec. 15. When any portion of said road shall become so injured, either from rains, frosts, travel, or any other cause, that the person or persons traveling thereon shall feel aggrieved, by the payment of tolls, the complainant shall proceed to the nearest justice of the peace, and, on complaint being made to him, he shall appoint two disinterested persons, who shall proceed to examine said road, or that portion complained of, and if they, upon examination of said road, under oath, shall think it so injured that tolls ought not to be collected, then, and in that case, they shall forthwith report to any and all the gate keepers upon that part of the road thus injured; and no gate keeper thereafter shall collect any tolls on that part of the road thus condemned, until said road shall be repaired.

Sec. 16. The company hereby incorporated shall issue no bonds, notes, or bills, to pass [as] a circulating medium, under the penalty of not less than one thousand dollars, by action of debt, one-tenth thereof to the complainant, and the residue for school purposes, to be equally divided between the counties of Franklin and Dear-

orn.

Sec. 17. It shall be lawful for the supervisors of the roads through whose districts said Turnpike shall run, to labor on said Turnpike road where it is graded, but not after the stone and gravel are put thereon.

Sec. 18. The form of subscription to the capital stock of said

company shall be as follows: We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our names in such manner and proportions, and at such times as the president and directors of the Mt. Carmel and Harrison Turnpike Company shall direct; witness our hands this —— day of ————, 184——.

S<sub>EC</sub>. 19. Certificates [of] stock shall be given to the stockholders, which shall be evidence of the stock held. They shall be signed by the president, and countersigned by the clerk. The stock shall be transferable on the book of the corporation only, personally or by an agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be holden by the corporation for any dues from the holder thereof to the corporation.

S<sub>EC</sub>. 20. The Legislature hereby reserves the right to alter, amend, or repeal this act: *Provided however*, Said repeal shall not take place unless it shall be made appear to said Legislature that there has been a gross abuse of the powers hereby granted. And the president and directors of this company are hereby made liable, individually, for all debts of the corporation by them contracted over and above the solvent stock of said company.

SEC. 21. This act to take effect and be in force from and after

its passage.

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An Act to amend an act entitled "An act to incorporate the Indiana Canal Company," ap-

# MARY 17, 1849.)

WHEREAS, From said act having failed to become a law at the last session of the General Assembly, and from the examination of a competent engineer during the last season, certain amendments have become necessary to said act of incorporation:

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Athanasius Wathen, William J. Beach, William G. Armstrong, Samuel H. Patterson, John I. Shryer, Thomas I. Howard, Samuel Merriwether, and George F. Savitz, of the county of Clark, John Brown, James Brooks, and William M. West, of the county of Floyd, John Law, of the county of Knox, Willard Carpenter, of the county of Vanderburgh, John Woodburn, of the county of Jefferson, Samuel Russell, of the county of Switzerland, and William T. Pate, of the county of Ohio, all of the State of In-

diana, and Jacob Burnet, James C. Hall, and Josiah Lawrence, of the City of Cincinnati, and State of Ohio, and their successors in office, duly elected as by the act to which this is an amendment. is provided, are hereby constituted a body politic and corporate by the name of "the President and Directors of the Indiana Canal Company," for the purpose of opening a canal navigation, with suitable locks, dams, and basins, including the water power around the Falls of the Ohio river, within the State of Indiana, with perpetual succession, and by such name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction, and shall have power to make and use a common seal, hold and convey real and personal estate, necessary and proper to carry out the objects of the charter, or in receiving or collecting the debts of said corporation, to make contracts and enforce [them,] and to establish and put in force such by-laws, rules, and regulations, as may be necessary or proper to carry into full effect the provisions of the said act, and this amendment thereto, and shall have all the other powers incident to corporations at common law, not inconsistent with the constitution and laws of this State and the United States.

Sec. 2. The Directors named in this act, or a majority of them, shall meet at Jeffersonville, in said county of Clark, on the second Monday of June, one thousand eight hundred and forty-nine, and organize as directed in the third section of the act to which this is an amendment.

Sec. 3. The section twenty-seventh of the act to which this is an amendment is hereby repealed.

Sec. 4. The State of Indiana hereby reserves the right, whenever it is deemed expedient by the General Assembly of the State, to grant a charter to another company to construct a canal, commencing at or near Jeffersonville, and terminating at or below the city of New Albany.

Sec. 5. This amendment shall be in force from and after its passage and publication, and [shall be] held a public act, and the publication presumed in like manner with said act as designated in the twenty-sixth section thereof.

and Samuel Merriwether, and George F. Savitz, of the county of

county of Floyd, John Law, of the county of Knoz, Willard Care

edunty of Jefferson, Samuel Russell, of the county of Switzerland,

CHAPTER LVIII.

An Act to repeal an act entitled "An act to extend the jurisdiction of Justices of the Peace in the counties of Lake and Porter," approved February 14, 1848.

[APPROVED JANUARY 10, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act to extend the jurisdiction of justices of the peace in the counties of Lake and Porter, approved February 14, 1848, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its

passage.

# CHAPTER LIX.

An Act to amend an act entitled "An act to regulate the mode of doing township business in the county of Elkhart," approved January 13, 1845.

# (APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the trustees designated in said act shall meet as therein required on the second Mondays of April and October annually, instead of the first Mondays of March, June, September, and November, as set forth in the sixth section of said act, holding but two, instead of four, regular sessions annually, and special sessions as therein specified.

Sec. 2. The business now required by sections eleventh and fourteenth of said act to be done at the March and June sessions annually, shall be done at the April session of said Trustees annually, and the several officers in said sections named shall report to

and settle with said trustees at that session.

Sec. 3. This act shall be in force from and after its passage and publication in the Goshen Democrat, a newspaper published in said county of Elkhart. to and hold sufficient real estate for the full ratio, ment of all priv

at the distance distance of the good of the desired by ed accessor, for the fortherance of the objects of this moor

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# CHAPTER LX.

An Act to change the name of the town of Fleenersburgh, in the county of Monroe, to that of Unionville, and for other purposes.

# (APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Fleenersburgh, in the county of Monroe, be and the same is hereby changed to that of Unionville, by which latter name the same shall hereafter be known.

SEC. 2. That so much of the alley in said town, running east and west, as lies between lots number seven, eight, seventeen, and eighteen, be and the same is hereby vacated.

Sec. 3. This act to be in force from and after its passage.

# CHAPTER LXI.

An act to incorporate the Perrysville and Danville and Perrysville and Georgetown Plank
Road Companies.

# [APPROVED JANUARY 18, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Robert D. Moffatt, Joseph G. English, John N. Jones, Abner B. Small, George H. McNeill, Isaac Chenowith, Herbert Ferguson, Irad Abdill, Wm. H. Brown, and Thos. McKibben, and such other persons as may associate with them, be and they and their successors are constituted a body politic and corporate, to have perpetual existence and succession, to be known as the "Perrysville and Danville Plank Road Company," and by that name and style, are hereby made capable in law, to contract and be contracted with, to sue and be sued, plead and be impleaded, as a natural person in this State and elsewhere, and shall be so recognized in courts of law and equity, and to have and use a common seal, to change and alter the same at pleasure; they shall also, in their corporate name, for the use of said corporation, have the right to purchase and hold sufficient real estate for the full enjoyment of all privileges herein and hereby granted; and also, the power to ordain and establish such by-laws, ordinances, and regulations, as shall be deemed necessary for the furtherance of the objects of this incorporation, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said company shall be ten thousand dollars, in shares of twenty dollars each, to be subscribed for or sold in the manner hereafter mentioned. *Provided*, the amount above stated, shall be insufficient to complete the work, then said capital stock may be increased to twenty thousand dollars, or to

a sum sufficient for that purpose.

Sec. 3. That any time after the passage of this act, the before named persons or their successors, shall meet at the town of Perrysville, or a majority of them, and elect a President out of their body, and a Secretary who may or may not be one of their body, whose duty it shall be to record all the orders and proceedings of said board, and proceed to make such arrangements for opening books for the subscription of stock, and may appoint such person or pertons, to receive subscriptions of stock, at such times and places, and in such manner as they may order and direct, and shall moreover make such orders for the payment of instalments on stock, as they may think to be for the interest of the corporation.

Sec. 4. The corporation shall caure books to be opened for subscription, at such time and at such place or places, as they may choose, due notice of which shall be given in the nearest public newspaper, in each of which books, the following entry shall

be made:

"We, the undersigned, promise to pay the sum of twenty dollars, for each share of stock set opposite our names, in such manner and proportions, and at such time or times, as the President and directors of the Perrysville and Danville Plank Road Company may direct,

witness our hands this ——— day of ————— 18——."

Sec. 5. The corporation by their agents, shall have full power, from time to time, to examine, survey, and locate the route of said plank road, commencing at the town of Perrysville, in Vermillion county, Indiana, and running through the prairie, on the best ground, for the interests of the company, and convenience of the public, to the State line, in the direction of Danville, in the State of Illinois, with full powers to diverge from the direct line when more favorable ground can be had for the construction of said road, the road not to exceed eighty feet in width.

Sec. 6. When the sum of two thousand dollars, of the capital stock hereby authorized, is subscribed for, it shall be the duty of the secretary of said board or the president, in case of the absence of the secretary, to give notice in a newspaper, or by written advertisement, or actual notice to the stockholders in said corporation, and shall, in said notice, fix a time and place, for the meeting of the stockholders in said incorporation, for the purpose of the election of directors of said company, who shall be elected out of the stockholders, by the stockholders, and shall be called "the Board of Directors of the Perrysville and Danville Plank Road Company," and the election of directors shall be conducted as the persons hereinbe-

fore named shall ordain, and each stockholder shall have a vote for each share he may have less than five, and for each two shares more than five and less than ten, one vote, and for each four shares more than ten, one vote, to be given in person or by proxy, in such manner as the by-laws shall provide, and that when five directors shall be chosen, they shall proceed to elect a president from their number, and elect a secretary, who may be a stockholder, but not one of the directors, whose duty it shall be to record the proceedings of said board, and the directors so elected shall continue in office one year from the time they are so elected, and a majority of them shall constitute a board competent to transact the business of the incorporation, and shall have full power to establish rules and by-laws for said company, and to establish such rules for the government of themselves and the stockholders as to them may seem meet.

Sec. 7. When the board of directors shall be organized, the concerns of the incorporation shall be under their control and direction, and the president and two directors shall constitute a quorum competent to transact business, or in the absence of the president, any three of the directors, one of whom shall act as president, pro tempore; and the president and directors, after they shall have been organized as aforesaid, shall have power to supply vacancies in the office of Secretary; to meet from time to time, as may be expedient; to adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of the company may require, and which are necessary to perform the duties and carry out the powers granted by this act; to appoint such subordinate officers, engineers, artists, agents, and workmen, as shall be necessary to exercise the business of the company; to demand at such time and in such portion as they shall see fit the sums of money due by stockholders on their respective money subscriptions of stock, under the pain and forfeiture of the shares of their stock, and all previous payments thereon to the said company, or to sue therefor and recover the amount due in an action of assumpsit at their option, without the benefits of any valuation or appraisement laws; to issue proper certificates of stock to the stockholders, and determine in what manner and under what restrictions their shares of capital stock shall be transferable; to fix the compensation and prescribe the duties of the several officers and agents in the employ of the association; to require such bonds, obligations, and securities of the various officers appointed to carry out the provisions of this act, as may be judged necessary; to open and continue open as long as necessary; books for the subscription of additional stock in said compan; yto acquire, purchase, sell, lease, and dispose of real estate, for the use of the company, and establish toll-houses and all other necessary structures and fixtures to order and cause to be made, all surveys, estimates, and lettings of work, at such times and places as they may determine; to prescribe such forms of contracts, rules, regulations, and specifications, for the performance of

work, as they may judge proper, to enter upon and to take from said lands, any stone, gravel, timber, or other materials necessary to construct said road and the bridges thereon, the said company may, if they shall deem it proper to locate said road upon any State or county road or other public highway, which they may choose to occupy and appropriate for the purpose, with the consent of the board of the county commissioners of the county of Vermillion, which consent, said board are hereby authorized to give, said company may take releases and conveyances of the necessary lands of any and all persons over whose lands the road may be located, and any such release or conveyance may be executed by any infant feme covert, guardian, executor, or administrator, and being so executed, shall be valid and effectual in law, and vest in said company a full and complete title in fee simple, to the lands so conveyed, or released.

Sec. 8. So soon as said corporation shall have completed said road, agreeably to the regulations and provisions of this act, they may erect a gate or gates, at suitable distances apart, and demand and receive of persons travelling on said road, the tolls allowed by this act; Provided, that the company shall have power to erect quarter gates, if to them, it shall seem necessary to the protection of the rights of said company. The following shall be the rates of tolls, for each and every six miles of said road, and in the same proportion, for a greater or less distance to-wit.: For every four wheeled carriage, or other vehicle, drawn by one horse or other animal, not exceeding ten cents; for every horse in addition, five cents; for every cart, chaise, or other two wheel carriage or vehicle, drawn by one horse or other animal, not exceeding ten cents; for for every horse in addition, five cent; for every sled or sleigh drawn by one horse or other animal, not less than five cents; for every horse or other animal in addition, five cents; for every coach or other four wheeled carriages drawn by one horse, or other animal, not exceeding ten cents; for every additional horse or other animal, five cents; for every horse and rider, not exceeding five cents; for every horse, mule, or ass, six month old or upwards, led or drove, not exceeding two cents; for every head of neat cattle, six months old, or upwards, one cent; and for every hog or sheep, one-half cent; Provided, that all persons going to or returning from funerals, or militia musters, shall pass said road free of toll; the said company may change or lower at pleasure, the above rates of tolls; Pro-

suitable board, and posted up in conspicuous places on said road.

Sec. 9. That when the aggregate amount of dividends declared, shall amount to the full sum of capital invested and ten per cent. per annum, interest thereon, the board doing county business in Vermillion county, may so regulate the tolls that not more than ten per centum per annum, on the capital, shall be divided, than shall be necessary to defray the contingent expenses and repairs of said road, but the corporation shall not be compelled by any law or reg-

vided, that the rates established from time to time, shall be painted on a

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ulation of said board doing county business, to reduce the tolls so that a dividend of ten per cent. cannot be made, and it shall be the duty of said corporation to furnish the said board at the fall term of each year, with a correct statement of the amount of expenditures, and the amount of profits, after deducting all expenses which shall be made by the proper officers whose duty it shall be to make the same, under oath.

Sec. 10. If said road, after its completion or any part thereof, shall be suffered to be out of repair, so as to be impassable for the space of one year, unless when the same is repairing, said company may be proceeded against by quo warranto, as for a violation of this charter: and if said company shall suffer said road to be out of repair to the hindrance or delay of passengers for an unreasonable length of time, they shall have no right to collect tolls

thereon until the same is repaired.

SEC. 11. That if any person or persons shall wilfully and knowingly do any act or thing whatsoever, whereby the said road or any thing thereto belonging, shall be injured or damaged, the person or persons so offending shall forfeit and pay three times the amount of the damages sustained, with costs of suit, recoverable before any court of legal and lawful jurisdiction, and any person or persons who shall pass, or attempt to pass, said road without paying the toll, or tendering it, if any person be present to receive it, shall forfeit and pay three times the amount of the toll or tolls which he, she or they were liable to pay for passing said road, recoverable before any court having competent jurisdiction in this State.

SEC. 12. Be it further enacted, That James Blair, Milo Gookins, Asaph Hill, Nathaniel Jones, Caleb R. Jewett, Thomas Cushman. John F. Smith, Elhanan Stevens, William M. Bell, and John S. Kirkpatrick, and their associates, are hereby constituted a body corporate and politic by the name of the Perrysville and Georgetown Plank Road Company, for the purpose of constructing a plank road, commencing at the town of Perrysville, in Vermillion county, Indiana, and running on the best ground for the interests of the company and convenience of the public to the State line in the direction of Georgetown, Vermillion county, Illinois, with full power to diverge from the direct line when more favorable ground can be had for the construction of said road, the road not to exceed eighty feet in width; and the said company by their said corporate name, shall be subject to all the duties and liabilities, and have possession and exercise, all the powers, rights, finances, [franchises] and privileges by this act conferred on the Perrysville and Danville Plank Road Company, and the said Perrysville and Georgetown Plank Road Company may and shall be regulated and in all respects controlled by the provisions of this act, so far as the same is applicable.

Sec. 13. Said corporations shall commence the construction of said roads within five years, and shall complete them in ten years from its commencement.

SEC. 14. The directors of said company shall be individually liable for all debts contracted in any amount over and above the solvent stock of said company, at the time the said contracts were made. And the Legislature reserves the right to alter, amend, or repeal this charter when the franchises shall prove oppressive to the community in which they shall be exercised, or shall have been violated by said company.

ISEC. 15. This act shall be deemed and taken to be a public act, and shall be liberally construed, and shall take effect and be in full

force from and after its passage.

## CHAPTER LXII.

An Act for the relief of Magdalena Pfalzgraf.

(APPROVED JANUARY 5, 1849.)

Whereas, Charles Pfalzgraf an alien, late a resident of Johnson county, in the State of Indiana, having purchased and paid for certain real estate situate in said county, departed this life in the year 1845, leaving no relatives in the United States, except Magdalena Pfalzgraf, his widow; therefore

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all the right and title of the said Charles Pfalzgraf at the time of his death and all the right and title of the State of Indiana, in the following described lands, situate in the county of Johnson, State of Indiana, to-wit: a part of the east half of the south-west quarter of section thirty-four, township eleven, range five, bounded [as follows,] viz: beginning twenty-six and two-thirds poles from the north-west corner of said half quarter, thence running south twelve poles, thence east fifty-three and one-third poles, Ithence north twelve poles, thence west fifty-three and one-third poles, to the place of beginning, and lots number five and six, on I. Colinses plot laid off to the town of Edinburgh, be and the same is hereby vested in Magdalena Pfalzgraf, widow of Charles Pfalzgraf, deceased, the said Magdalina Pfalzgraf, her heirs and assigns the above described tracts of land, with their immunities to have and hold in fee simple forever.

Sec. 2. This act to be in force from and after its passage.

## CHAPTER LXIII.

An Act amendatory of an act entitled, "an act to incorporate the Michigan Road Company, approved January 13, 1845, and an act entitled, "an act to amend an act entitled, an act to incorporate the Michigan Road Company," approved January 13, 1845, approved January 19, 1846.

## (APPROVED JANUARY 12, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the twenty-second section of an act entitled, "an act to incorporate the Michigan Road Company," approved January 13, 1845, be and the same is hereby so amended, as to authorize said Michigan Road Company by their corporate authority to compel the payment of two dollars on each share of stock subscribed by said company, every sixty days: Provided, That the necessary notice be given thirty days before said payment may fall due.

Sec. 2. That so much of an act entitled, "an act to amend an act entitled, an act to incorporate the Michigan Road Company," approved January 13, 1845, approved January 19, 1846, as requires said Michigan Road Company to construct said road not less than sixteen feet wide, be and the same is hereby so amended as to authorize said company to construct said road of plank and timber not less than nine feet wide, instead of sixteen feet wide as provided in said act: *Provided*, that nothing in this section shall be so construed as to release said company from the provisions of said act making it obligatory on them to construct said road sixteen feet wide, after a sufficiency of stock for that purpose shall be paid in.

Sec. 3. That the construction of so much of said road as is now made only nine feet wide be, and the some is hereby legalized, and the said company is hereby authorized to charge and receive tolls in the same way and manner as if the said road were sixteen feet. wide.

Sec. 4. This act shall be in force from and after its passage.

## CHAPTER LXIV.

An Act extending the time of working roads and highways in the county of Clay.

#### [APPROVED JANUARY 5, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the nineteenth section, of chapter sixteen, of the Revised Statutes of 1843, as requires supervisors to work at least two days on each year, by the first day of July, be repealed, and the first day of August in each year substituted in lieu thereof so far as the county of Clay is concerned.

SEC. 2. This act to take effect and be in force from and after its

passage.

## CHAPTER LXV.

An Act authorizing the election of [an] additional justice of the peace in the township of Adams, in Madison county, also in the townships of Jackson and Jones, in Hancock county, Ia.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the citizens of Adans township, in the county of Madison, are hereby authorized to elect an additional justice of the peace for said township, whose office shall be kept within the corporate limits of the town of New Columbus, having jurisdiction co-extensive with the justices of the peace as provided in chapter 47 of the Revised Statutes.

Sec. 2. Such election shall be held and conducted in all respects in the same manner as is in such cases made and provided: *Provided however*, That the citizens of said township are hereby authorized to hold their first election on the first Saturday of February, 1849.

Sec. 3. [That the qualified voters] of Jackson township, Hancock county, may on the first Monday of April next, elect an additional justice of the peace for said township, who shall hold his office in the town of Port Laurel, in said township. And it may be lawful for the qualified voters of Jones township in the county last aforesaid, to elect on the first Monday of April next, an additional justice of the peace for said township, who shall hold his office in the town of Philadelphia, in said township.

SEC. 4. This act to take effect and be in force from and after its

passage, and the Secretary of State is hereby required to farward a

copy of the same forthwith.

Sec. 4. All acts and parts of acts contrary to the provisions of this act, be and the same are hereby repealed, so far as relates to Adams township, Madison county, and Jackson township, Hancock county.

## CHAPTER LXVI.

An Act in relation to the real and personal estate of John Fischli, late of Jackson county, deceased.

#### (APPROVED JANUARY 16, 1849.)

Whereas, John Fischli, late of Jackson county, died intestate, leaving neither widow nor children, father nor mother, brothers nor sisters, nor any person next of kin, who at the time of the death of the said John Fischli had a known bonafide residence within any State or territory of the United States;

AND WHEREAS, The said John Fischli in his life time, and until the time of his death, was the owner in fee simple of divers large large tracts of land situated in the county of Clark, Jackson, and

Jennings, within the State of Indiana;

AND WHEREAS, It is doubtful whether said lands have escheated to to the State of Indiana, or decended to some unknown heir of the said John Fischli.

AND WHEREAS, It is of the highest moment that the title to said lands

shall be ascertained, therefore;

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for any person or persons, claiming the title to said lands, or any interest therein, to commence suit against the State of Indiana, in the Marion circuit court, for the purpose of securing said lands, or any interest therein, claimed by such person or persons, said suit shall be by bill in chancery; and said bill shall contain and set forth all such allegations and charges, as are material to a clear and proper understanding of the claimant's title or interest in said lands, and shall contain a description of the lands claimed, and the names and place of residence of the claimants: Provided, That said complainant or complainants shall be required to prove the material alligations in said bill contained, by at least one competent witness.

Sec. 2. Said suit shall be commenced on or before the first day of October, A. D., 1849, and on the filing of said bill in the clerk's

office of said court, said cause shall be docketed and set for trial at the next succeeding term thereafter, and shall be tried at such term, unless for good cause shown said court shall grant a continuance of the same.

SEC. 3. It shall not be the duty of the attorney on the part of the State, to make answer to or denial of the allegations and charges contained in said bill, or to any or either of them, but all the material allegations in said bill contained shall be taken and deemed by said court to be denied. In all other respects said cause shall be conducted in accordance with the rules of practice applicable to

the trial of chancery suits between individuals.

Sec. 4. Before commencing said suit, the complainant or complainants thereto shall file in the clerk's office of said court, a bond in the penal sum of two thousand dollars, with good security to the acceptance of said clerk, payable to the State of Indiana, conditioned for the payment of all costs and charges, which may be adjudged against him, her, or them.

Sec. 5. On the filing of said bill said clerk shall give note thereof to the Governor, whose duty it shall be on the receipt of such notice, to appoint some suitable attorney or attorneys, to appear in said court, and defend the rights of the State against the claim of

the said complainant or complainants.

SEC. 6. If the person or persons claiming title to said lands, or any interest therein, shall fail to commence suit as aforesaid, to recover the same, on or before the said first day of October, 1849, he, she, or they, shall be forever barred from bringing suit in any court in this State, or of the United States, to recover said lands or any interest therein, and all disability arising from infancy, insanity, or coverture of the claimant, or claimants, is hereby removed, and said person or persons are hereby authorized and empowered to sue and prosecute his, her, or their claim to said lands, in the same manner as he, she, or they could do, if no such disability existed.

SEC. 7. It shall be the duty of the Governor of the State of Indiana, immediately after the expiration of the time above limited for the commencement of the said suit in chancery, if no such suit shall have been commenced within such time, or if such suit shall be commenced as above provided, and within the time limited, and the same shall be determined against the complainants, in said suit; then and in that case it shall be the duty of the Governor aforesaid, immediately after the termination of such suit, in the manner aforesaid, to appoint some suitable person, resident in the said county of Jackson, as commissioner to sell so much of said lands, as are situated within the said county of Jackson.

Sec. 8. It shall be the duty of said commissioner before entering upon the discharge of his duties, and within twenty days after receiving notice of his appointment, to give bond with good freehold security, to the satisfaction of the Auditor of said county, in the penal sum of five thousand dollars, and payable to the State of Indiana, and conditioned for the honest, faithful, and impartial dis-

charge of his duties as such commissioner, which bond shall be approved by the Auditor of said county, and shall be filed and kept by him in his office.

SEC. 9. After filing his bond as afore said and within the time aforesaid, said commissioner shall proceed to sell all the real estate of which the said John Fischli, died possessed, and which is situated in the said county of Jackson. Said lands or real estate shall be sold upon the following terms, to-wit: one fourth of the purchase money to be paid within five years from the date of sale, one fourth within ten years, one fourth within fifteen years, and the remaining fourth within twenty years from the date of sale, with interest at the rate of seven per centum per annum, from the date

of sale, and payable annually and in advance.

Sec. 10. The several purchasers of said real estate at the sale thereof, shall give their separate bonds for each instalment of the purchase money, with good freehold security, to the satisfaction of said commissioner, which bonds shall be made payable to the State of Indiana, and conditioned for the payment of such instalment of the purchase money when the same shall become due, and of the interest [thereon] at the rate and at the times above specified; and any failure on the part of any purchaser, for a longer period than six months, to pay any such instalment of interest or of principal, shall operate as a forfeiture to the State of Indiana, of so much of said real estate as may have been purchased by the person failing to pay as aforesaid. And in all cases where any part of said land shall become forfeited for the cause aforesaid, it shall be the duty of the Auditor and Treasurer of said county of Jackson, to resell the same in the same manner, under the same restrictions, and upon the same terms as forfeited school lands are sold.

Sec. 11. So soon as the bonds mentioned in the next preceding section shall have been delivered to the said commissioner, it shall be the duty of the said commissioner to give to the purchaser of any part of said real estate, a certificate in writing describing the land purchased and the sum of money to be paid therefor, which certificate shall entitle the holder thereof to a deed of conveyance for the land purchased, upon full payment of the purchase money and interest thereon; which deed of conveyance shall be executed by the

Auditor of said county of Jackson.

Sec. 12. Before said commissioner shall be authorized to sell said real estate, or any part thereof, he shall give at least sixty days public notice of the time and place of said sale, in some newspaper of general circulation, printed and published in the State of Indiana; and said commissioner is hereby directed to sell said land at public out-cry, at the door of the Court House in said county of Jackson, and he is hereby authorized to continue said sale from day to day until all of said real estate shall be sold.

Sec. 13. That in case said suit provided for in this act shall be decided against the complainant or complainants, the money arising from the estate shall be paid into the State Treasury, to be by the

State hereafter disposed of, as the Legislature shall deem just: Provided, either party to such suit shall have the right of appeal, or writ of error, within one year, to the Supreme Court, as is authorized by law in other cases.

SEC. 14. Said commissioner shall be allowed such compensation for his services as the board doing county business for said county of Jackson shall deem reasonable, and to be paid out of the school

fund belonging to said county.

Sec. 15. All acts and parts of acts contrary to the provisions of this act, be and the same are hereby repealed, so far as they relate or are applicable to the personal estate of said John Fischli, or to so much of his real estate as is situated within said county of Jackson.

Sec. 16. This act shall be deemed and taken as a public act, and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to transmit a certified copy of this act to John Zulaif of the city of Louisville, in the State of Kentucky, within ten days after the adjournment of this present Legislature: [Provided, That nothing in this section contained shall be coustrued to divest the rights heretofore vested by virtue of any of the laws of this State, if any such have vested.]

## CHAPTER LXVII.

An Act to provide for the location of a State road in Grant and Wabash counties.

[APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Morgan and Robert Mansfield, of Grant county, and George R. Cook, of Wabash county, be and they are hereby appointed commissioners to view, mark, and locate a State road leading from the south side of Grant county, and commencing on the range line dividing the township twenty-two, range seven, and township twenty two, range six, and running thence north on or near said line, to the north line of said county of Grant, and from thence north on or so near said range line in Wabash county as the nature of the ground will permit, to Roache's mills, on Treaty creek, thence along the west bank of Treaty creek, terminating at the Marion and Wabash State road, where the same crosses Treaty creek the first time north of said Roache's mill, so as to terminate at the State road leading from Marion to Wabash at the point where said State road crosses Treaty creek the first time below Roache's mill, in Wabash county. The said commissioners to be governed in all respects by the provisions of the general laws on the subject of locating State roads.

Sec. 2. The commissioners so appointed as aforesaid shall meet at the place of beginning on or before the first Monday of May next, and after having taken the necessary oath or affirmation shall proceed to discharge the duties herein required of them, and report as required by law. And for their services shall be allowed by the proper boards doing county business the sum of one dollar and fifty cents per day each, for every day which they may be employed.

SEC. 3. This act to take effect and be in force from and after its

passage.

## CHAPTER LXVIII.

An Act amendatory of the act incorporating the town of Connersville.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State Indiana, That the act entitled "an act to incorporate the town of Connersville, in the county of Fayette," approved February 15, 1841, be and the same is hereby amended as follows, to-wit:

First. The annual rate of assessment for taxation may be fixed by the president and trustees of said town, at any time prior to the expiration of ten days from and after the assessor shall have made his return.

Second. Whenever said president and trustees shall have determined that any nuisance, or other thing causing, or likely to cause ill health exists within the limits of said town, or within one-half mile of the corporation line, they shall cause the owner, his agent or tenent of the premises on which the same may be found, to be notified thereof, and if said owner do not proceed immediately, unless time be given to begin, and within a reasonable time, remedy or remove such offence, it shall be lawful for the corporation to do so, and in so doing they shall incur no unnecessary expense, and do no unnecessary damage, and the proper expense so incurred they may recover of said owner as a debt.

Third. Whenever any side-walk within the limits of said town may, by said president and trustees, be deemed to need improvement or repair, if the owner of the adjacent ground be a resident of said county, they shall notify him personally thereof; if not a resident, the notice shall be by the usual newspaper publication, and if he do not proceed within ten days, unless longer time be given, and within a reasonable time improve or repair such sidewalk, as required, said corporation may cause the same to be done

on reasonable terms, and recover the expense so incurred of said owner as a debt, or through their collector as delinquent taxes are collected.

Fourth. Said president and trustees shall have the power to prohibit or license and regulate, the sale of all kinds of property, real and personal, at auction or by hawking or pedling, in the streets, stores, shops or elsewhere in said town, and within one-half mile of the corporation line; and and to appoint and license auctioneers and

regulate their conduct as such.

Fifth. Nothing in said act of incorporation contained shall be construed to require said president and trustees to grant any license to retail spirituous liquors without the consent of a mojority of their board; and no such license shall be granted under any circumstances unless a license be first procured from the board doing county business, agreeably to the provisions of the act entitled "an act defining the duty of the county board of Fayette county, in a certain case therein named," approved February 24, 1840, and the limits of the town, in this behalf, as contemplated by said last named act, and also by this act, shall be construed and taken as extending onehalf mile beyond the corporation limits in every direction; within which area each and every inn keeper, keeper of any house of public entertainment, of any cellar, shop or stand for the sale of ale, beer, porter, or any other beverage or refreshment for eating or drinking whatever, the keeper of any show, theatrical performance, or any other exhibition for gain, any drayman or cartman doing business as such mainly in said town, may be required to procure a license from said president and trustees, upon such terms, and under such restrictions and regulatons as they may deem expedient to prescribe; and any person within said limits failing to procure such license when required, may be fined in any sum not less than five, nor more than one hundred dollars, to be recovered as a debt, and each day such failure is repeated, after special notice thereof is given, shall be deemed a new offence.

Sixth. In all cases the signature of the president of said corporation, attested by the clerk, shall be taken as sufficient authentication of the official doings and written contracts and obligations of the corporation; and in all suits brought by the corporation, the regularity of their proceedings to entitle them to sue, shall be presumed, and on the trial of no case, in which said corporation may be a party, shall a witness be deemed incompetent because of any general interest he may be supposed to have in the event of the suit, arising from his being a trustee or citizen [of,] or a property holder within said corporation; but that fact shall go to his credi-

Seventh. Said president and trustees shall have the power to create five companies, subject to such rules and regulations as they may deem expedient; and each member of such company shall be exonorated from working on the public highways, and from paying a town or county poll tax during the time of his membership; Provided he shall produce, at the time such service or tax is demanded, or within three days thereafter, a certificate from said corporation showing that he has been enrolled and done his duty satisfactorily as such member, at least nine months during the year next pre-

ceeding.

Eighth. The limits of said town corporation shall be as follows: Beginning on the south-west, where the west side of the canal crosses the south line of the "Pilkey donation," thence eastwardly along said line, extending to the east side of the river, thence northwardly up the east side of the river to the "mill race," and up the east side of said race, and across above the mill to the north side of Mill street, as extended eastwardly, at the point where said street first comes out to the bluff bank, thence westwardly, and again southwardly, around and along the north side of said street and the several town plats as now known and received, and along the west side of the canal to the place of beginning. And for purposes of taxation and protection from fire, nuisance and disease, and for voting at all elections for trustees, all persons residing within two hundred yards of the corporation line, their dwellings, the contents and the messuage, shall be taken and deemed as residents, and within the limits of said corporation; and in like manner for purposes of taxation and protection from fire and nuisance, all shops, mills, factories, business establishments and buildings, with their appurtenances and contents, within said distance of said line, shall also be deemed and taken as within said corporation limits.

Ninth. In addition to the remedy provided for the collection of delinquent taxes, and such tax may be collected as a debt due the corporation, and whenever any judgment may be rendered in favor of said corporation for any delinquent tax, or any fine, penalty, or debt provided by this charter, or any by-law, or ordinance made in pursuance thereof, and such judgment be not immediately replevied; upon affidavit made by any one of said trustees that he knows of no goods or chattels of the judgment defendant in the county, subject to execution, that can be conveniently reached without the defendant's consent, and that he believes the defendant able to pay the said judgment, or some part thereof, were he willing to do so; then the first execution on such judgment shall be a capias ad satisfaciendum, which shall issue forthwith. And whenever an affidavit shall be made in a like manner that a fine, penalty, debt, or delinguent tax shall have accrued to said corporation, under the provisions of this charter, or any by-law or ordinance, and that the defendent is about leaving the county without leaving behind him any thing out of which the amount of the judgment can be made, as the affiant verily believes; in that case the first process to be issued shall be a capias ad respondendum, and the subsequent proceedings on both of said writs shall be as in other cases of like writs.

Tenth. The territory within the limits of said corporation, and to the distance of one-half mile beyond said limits, shall constitute

one road district, to be called the "Connersville road district," and the same shall so remain and be recognized by the board of commissioners of the county of Fayette; and the supervisor for said district shall be appointed by the trustees of said town, annually, and whenever a vacancy in the office may happen, such supervisor shall qualify, serve, and be paid as other supervisors are; and under the general direction of said president and trustees, he shall apply the force and funds of his district for the improvement and repair of the public streets and highways in common use within the limits thereof, and such supervisor shall, ex-officio, be the marshal of the town, and may be required by said president and trustees to give a bond in such sum, with such security, as they may deem expedient, for the faithful discharge of his duty as supervisor and marshal.

SEC. 2. Upon the passage of this act, the Secretary of State shall make out and transmit to the president of said corporation, a duly certified copy thereof, and upon the reception thereof, and thereafter,

the act shall be deemed and taken as in full force.

# CHAPTER LXIX.

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property of each cownship according to the existing laws

An Act to amend an act entitled, an act to authorize the election of a Justice of the Peace and a Constable in the town of New Trenton, in the county of Franklin.

# (APPROVED JANUARY 10, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the act as is entitled above, approved February 15, 1840, requiring the justice of the peace and constable to reside and hold their offices in the town of New Trenton, or vicinity vacating said offices if not holden within said town, or removing therefrom, be and the same is hereby so amended, that if said officers reside and hold their offices within the said town or within one quarter of a mile thereof, and within the said county of Franklin, the same shall not be vacated.

Sec. 2. This act to be in force from and after its passage.

## CHAPTER LXX.

An Act to legalize the assessment of taxable property in Wayne township, Bartholomew county, for the year 1848.

#### (APPROVEED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the appraisement list of taxable property in Wayne township, Bartholomew county, returned to the county board of said county at their June session, 1848, by James G. Thompson, be and the same is hereby declared as valid as if the same had been taken, made and returned by the assessor of said county; and the acts of the said James G. Thompson in taking the list and appraisement of taxable property in said Wayne township for the year 1848, are hereby legalized; and the assessment of taxes by the board of commissioners upon the property in said township as returned by said Thompson, at their said June term, is hereby legalized; and the treasurer and collector of said county, is [are] hereby fully authorized and empowered to collect the taxes assessed upon the property of said township according to the existing laws.

Sec. 2. This act shall be in force from and after its passage.

## CHAPTER LXXI.

An act to amend an act entitled, "an act to incorporate the Henry county turnpike company," approved December 5, 1848.

#### (APPROVED JANUARY 12, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the directors of the said Henry county turnpike company, are hereby invested with a discretionary power to construct all or any part of said road of plank in lieu of the materials contemplated in said act in case they shall elect so to do.

Sec. 2. The capital stock of said company shall be divided into shares of twenty-five dollars each, instead of fifty dollars, and each share shall entitle the holder to one vote at all the corporation elections in which stockholders are entitled to vote, according to the provisions of the said charter.

Sec. 3. This act to take effect and be in force from and after its passage, and shall be deemed and taken to be a public act.

## CHAPTER LXXII.

An Act to vacate the town of Ventersville in Morgan county.

(APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the town of Ventersville, situated in sections seventeen (17), and twenty (20), in township thirteen (13), north of range two (2) west, in Morgan county, be and the same is hereby vacated.

Sec. 2. This act to take effect and be in force from and after its passage.

## CHAPTER LXXIII.

An Act to locate a State road in Lagrange and Elkhart counties.

(APPROVED JANUARY 11, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Amos Davis of the county of Lagrange, and Thomas D. Kimble of the county of Elkhart, be and are hereby authorized to procure such aid as is necessary to locate as soon as practicable, a State road in the aforesaid counties, as follows: commencing at the point where the Barobawga road crosses the line of the two counties aforesaid, and to run thence north along the county line to a marsh near the line of townships thirty-seven and thirty-eight, thence east half a mile, thence north half a mile, thence east half a mile to the section line, thence north on the said section line till it intersects the vistula road east of William Mack's.

Sec. 2. This act to take effect and be in force from and after its passage.

## CHAPTER LXXIV.

An act to repeal an act therein named so far as the same relates to Owen county.

(APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act entitled, "an act defining the duties of sheriff in the counties of Owen and Hancock," approved February 11th, 1843, be and the same is hereby repealed so far as the same relates to Owen county.

Sec. 2. This act to be in force from and after its passage.

# CHAPTER LXXV.

An Act for the relief of Solomon May, Sen.

[APPROVED JANUARY 11, 1849.]

Whereas, John M. Berry, commissioner of the reserved township in Monroe county, did, on the eighth day of October, 1848, certify to the Auditor of State that Solomon May, Sen., had paid to him, on that day, the balance due on the purchase of the east half of the north west quarter of section number thirty, of the reserved township of land in Monroe county, containing 87:40 acres; that the said tract was originally sold to Hussleton Compton, and by him assigned to said Solomon May and Henry Humbarger, and that said Humbarger assigned all his interest therein to said May, except fifteen acres off of the north end thereof; that said May had made satisfactory proof to him that he had purchased from said Humbarger the whole of his interest therein; that said May has had and enjoyed peaceable possession of said land for more than twenty years, paying regularly the entire interest on the balance of the purchase money for the same; that the said Humbarger had left said county more than twenty years ago, and had never set up any claim to any part of said land; and that several years since it was reported in said county that said Humbarger was dead, leaving no heirs; which report he had never heard contradicted: Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the Governor of said State be and he is hereby au-

thorized to convey, or cause to be conveyed, to the said Solomon May, Sen., and to his heirs forever, the aforesaid tract of land, to-wit: the east half of the northwest quarter of section number thirty, of the reserved township in Monroe county, by executing to him a deed similar to those used in conveying the lands in said township to the purchasers thereof.

Sec. 2. This act to be in force from and after its passage.

## CHAPTER LXXVI.

An Act to amend the Plat of Cambridge City.

(APPROVED JANUARY 13, 1849.)

Whereas, William Hawkins, about five years ago, sold to Ruel Farris and others, certain lots of ground in Cambridge City, in Wayne county, described as being lots No. 1, 2, 3, 4, 5, 6, 7, and 8, in block No. 19, and being twenty-five feet in front, and fronting on the north side of south Front street, and running back to an alley, on the west side of West River and north of the National Road:

AND WHEREAS, subsequent to said sale and the conveyance made thereon in pursuance thereof, the said William Hawkins procured a plat of the ground composing said block No. 19, to be made out, and through the mistake of the surveyor making out the same, said block was numbered 11, and the said lots numbered 1, 2, 3, and 4, and being double the size as sold and conveyed as aforesaid:

AND WHEREAS, the said lots of ground have been conveyed to sundry persons, some of whom reside in parts unknown:

And Whereas, without said mistake is corrected by legislative enactment, numerous lawsuits will grow out of the same: Therefore.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the true number of said block be construed and taken to be 19, and the true number of said lots, and the size and description of the same, be taken and construed to be as first herein given and described, and that all sales made by the said Hawkins as aforesaid, of any lot or lots in said block, be as valid to all intents and purposes as if no mistake whatever had occurred.

Sec. 2. It shall be the duty of the Secretary of State, to furnish the recorder of Wayne county with a certified copy of this act,

whose duty it shall be to file and record the same as a part of theplat of said Cambridge City, and as explanatory thereof.

Sec. 3. This act to be in force from and after its passage.

# CHAPTER LXXVII.

An Act to incorporate the Warsaw Manufacturing Company.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Mahlon F. Davis, George R. Thralls, George Moon, William C. Graves, and James S. Frazer, and their successors and associates, are hereby constituted a body politic and corporate, with perpetual succession, by the name and style of the "Warsaw Manufacturing Company," for the purpose of manufacturing flour, meal, lumber, iron or woolen goods, or any other article or articles in which they may desire to engage, at Warsaw, in the county of Kosciusko.

Sec. 2. The said corporators above named shall have power to open books, when and where they may determine, for the subscription of stock to said corporation, and such subscriptions may be made payable either in money or such things personal, things real,

or choses in action, as said corporation may permit.

- Sec. 3. As soon as the sum of one thousand dollars, capital stock shall be subscribed, it shall be the duty of the corporators hereinbefore named, to give public notice of an election for directors, and the time and place thereof, in such manner as they may deem proper, at which election five directors shall be elected, who shall hold their offices until the first Saturday of January thereafter, and until their successors are elected and qualified. All elections for directors, after the first election, shall be held on the first Saturday of January of each year, and the board of directors shall consist of five members who shall be stockholders, and shall hold their offices for one year and until their successors are elected and qualified, and they shall be individually liable for all debts by them contracted, beyond the amount of solvent stock of said company at the time such debts were contracted.
- SEC. 4. The directors shall elect one of their number president, who shall hold his office during the continuance of his term as director.
- SEC. 5. The powers and duties conferred and imposed by sections fourteen and fifteen of chapter thirty-two of the Revised Sta-

tutes of 1843, are hereby conferred and imposed upon the corporation hereby created.

Sec. 6. The capital stock of said company shall not exceed fifty thousand dollars, and shall be divided into shares of thirty dollars each, and not more than fifty per centum thereof shall be de-

manded or collected in any one year.

Sec. 7. Said corporation is hereby empowered to hold and convev all real estate which may be subscribed as capital stock, or such as they may purchase under execution issuing upon judgments rendered in their favor, and may also purchase and hold real estate for the purpose for which the same is created, not exceeding in original cost ten thousand dollars, exclusive of improvements.

Sec. 8. Before any instalment of stock assessed by the board of directors shall be considered due, thirty days' notice by publication in a newspaper printed in Kosciusko shall be given, if such paper be published, otherwise in a newspaper convenient thereto, and after such notice the directors may collect the same by due course of law with costs, or they may declare the stock delinquent forfeited to the corporation.

Sec. 9. The books of said corporation shall contain a correct exhibit of the amount of indebtedness of said corporation, and the sits available means, and all books of said corporation shall be

open to the inspection of the creators [creditors] thereof.

Sec. 10. Upon a dissolution of said corporation, the effects thereof after the payment of all debts and liabilities, shall be the property of the stockholders, to be divided amongst them in proportion to the stock by each respectively held.

Sec. 11. The Legislature hereby reserves the right to alter, amend, or repeal this act, whenever its privileges shall have been violated, or become oppressive to the community in which they

shall be exercised.

Sec. 12. This act shall be in force from and after its passage, and it is hereby made the duty of the Secretary of State immediately to forward a certified copy of this act to the office of the clerk of the Kosciusko circuit court.

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# CHAPTER LXXVIII.

An Act for the relief of the persons therein named.

(APPROVED JANUARY 17, 1849.)

WHEREAS, It is represented to this General Assembly that on the 25th day of April, in the year 1832, Arthur Major of the county of Shelby and State of Indiana, being seized and possessed of a large real and personal estate in said county, made his last will and testament by which he bequeathed all his estate both real and personal to his wife Dina Major, so long as she should be and remain his widow, and in remainder forever to his brother Stephen Major, at that time a foreigner residing in England, and that the said Arthur Major died on the third of September, 1832, in said county of Shelby, leaving said will in force, and that the same was duly proved and recorded in the county of Shelby; and that on the 30th day of July, 1834, said Stephen Major filed his declaration of intention to become a citizen of the United States in the court of record thereof, agreeably to the provisions of the act of Congress on that subject made and provided, that after which the said Dina Major, not having heen married, died in said county of Shelby, that said Stephen Major took the possession of said real estate, and that he has since sold and conveyed to others who are residents of said county of Shelby, and who had filed their intention before such sale, and conveyance to them to become bona fide citizens of the United States, agreeably to the act of Congress aforesaid; therefore in consideration of the aforesaid premises, and to remove all doubts as to the legality of the title of the said purchasers from the said Stephen Major, should any exist, in consequence of the alienage of said Stephen Major, as aforesaid,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all disabilities which may have attached to the said Stephen Major, if any, to take under said will, by devise or by descent as an heir of said Arthur Major, his brother, and to convey the same to others, any or all of said estate, in consequence of his being such alien at said time as hereinbefore recited, be and the same are hereby removed, and the deeds of conveyance of the said Stephen Major to said estate, shall be as valid to all intents and purposes as if said Stephen Major had been a citizen or had declared his intention so to become, agreeably to the act of Congress before the death of the said Arthur Major.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER LXXIX.

An Act to amend an act entitled "An act to incorporate the Rushville and Lawrenceburgh Railroad Company," passed at the thirty-second session of the General Assembly of the State of Indiana.

#### [APPROVED JANUARY 12, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That whenever application shall be made to any justice of the peace under the provisions of the fifteenth section of the act to which this is an amendment, and any of the owners of the land or materials referred to in such application shall be unknown, said justice shall proceed as to such unknown owner or owners in the same manner as is provided in the sixteenth section of said act in case the owners are insane or minors; and in all cases provided for in said fifteenth and sixteenth sections and in this act, in which any owner of the property referred to shall be a minor, insane, not a resident of the county, or shall be unknown, the justice rendering final judgment therein, shall forthwith file a transcript of the proceedings had before him in the clerk's office of the circuit court in his county, and said court shall at the next term thereof examine such proceedings, and if satisfied that justice has been done, shall confirm the same, or otherwise may direct further proceedings to be had in said court or before said justice.

Sec. 2. When damages shall be finally adjudged to any owner for property taken under the provisions of this act or the act to which it is an amendment, on payment of such damages by said corporation to the justice or to the clerk of the court rendering such judgment, said corporation shall be seized of such land or materials, and entitled to take possession of and use the same; and if the persons entitled to such damages shall be unknown, or shall be insane, or minors having no guardians, entitled to receive such damages, or shall not demand the same within ten days, or if there be rival claimants thereto, the justice in whose hands such damages shall be, shall pay the same to the clerk of the circuit court of his county, and said court shall direct in what manner said damages shall be secured for the benefit of, and until claimed by such absent or unknown owner, and also in case of rival claimants said court shall decide to whom the same shall belong.

Sec. 3. It shall be lawful for said corporation to receive subscriptions of stock payable in labor, materials, real estate, or in the bonds of any county or incorporated town or city, and payable at such time and in such manner as said corporation and the parties subscribing shall agree.

Sec. 4. In case of failure to pay any instalment on stock when duly called for, said corporation, in addition to the penalty prescribed in the eleventh section of the act hereby amended, may

also collect interest on such instalment from the time when due until paid; and whenever in the opinion of the board of directors a suit against any delinquent subscriber would be unavailing by reason of his inability to pay, said board may declared the stock of such delinquent forfeited, without first bringing suit against him; and whenever any stock shall be declared forfeited by order of said board all right, claim, and interest of the former owner shall vest in said corporation for the benefit of the [other] stockholders.

SEC. 5. All lands acquired by said company, and not required to be kept for [the] use of their road, may be sold by order of the board of directors; and all conveyances, leases, and transfers of real estate to said company shall be in the corporate name of said company, and all conveyances, leases, and transfers from said company, shall be sealed with the [seal] of said company, signed by the

president, and attested by the secretary thereof.

Sec. 6. It shall be lawful for said company to construct a branch of their said road to Greensburgh in Decatur county, and to hold

and use the same in like manner as the main line.

Sec. 7. The provisions contained in section thirty-four of the act to which this is an amendment, shall not apply to any contracts hereafter made by the board of directors of said company for bor-

rowing money, or for the purchase of iron for said road.

SEC. 8. It shall be lawful for the proper authorities of the city of Lawrenceburgh, to subscribe for any amount of stock in said company, and to pay for the same in the bonds of said city, as may be agreed upon between said city authorities and said company; the amount of such subscription being [first] authorized by a majority of the citizens of said city, expressed either by petition or by a vote taken at any election or on special appointment.

SEC. 9. This act to be in force from and after its passage, and

shall be deemed and taken as a public act.

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## CHAPTER LXXX.

An Act to locate a State road from Wabash in Wabash county, via Bluffton in Wells county, to Fort Recovery, in Ohio.

# (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That George McLuved, and Harvey Williams, of Wabash county, be and they are hereby appointed commissioners, to view, mark, and locate a State road, as follows: commencing at Wabash town, in Wabash county, thence south along the Wabash and

Marion State road about three-fourths of a mile, to the dughill north of Blackman's mills in said county, thence east in a direct line, to intersect the county road, leading east to Minick's mills, at or near the house of John Piler, in said county of Wabash, thence east along said county road to Minick's mills in said county, thence south of east on the most practicable ground to the township line dividing townships 27 and 26, thence along said line, east, to the town of Bluffton, in Wells county, thence to intersect the Bluffton and Recovery road.

S<sub>EC</sub>. 2. The said commissioners shall meet at the town of Wabash, on or before the first Monday of August, or so soon thereafter as they may agree, and, after taking an oath faithfully to discharge their duties as such commissioners, shall proceed to view, mark, and locate the said road, and shall be governed in all things by the laws now in force for laying out roads and highways; and said commissioners shall receive, each, one dollar per day, for their services, while so employed.

Sec. 3. This act to take effect and be in force from and after its

passage

# CHAPTER LXXXI.

An Act ror the relief of John T. Custer.

(APPROVED JANUARY 15, 1849.)

Whereas, John T. Custer, of Fayette county, some ten years ago, became liable to the State of Indiana, jointly with one Jacob Vandegrift and one Marks Crume, for the sum of two hundred dollars, then borrowed by the said Vandegrift, of the said State of Indiana, through her Agent appointed to loan out surplus revenue funds in Fayette county;

AND WHEREAS, The said Vandegrift and Crume are wholly insolvent, and unable to pay any part of said money so borrowed;

AND WHEREAS, The said John T. Custer has paid all of the principal of said debt, including the interest thereon, except about eighty dollars, and is unable to pay the balance thereof; Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said John T. Custer be and he is hereby [forever] released from all liability for said balance of eighty dollars, or any

part thereof, and it shall be the duty of the Auditor of said county of Fayette to give him a quietus for the same: *Provided*, That this act shall not affect the liability of said Crume or Vandegrift.

SEC. 2. This act to be in force from and after its passage.

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# CHAPTER LXXXII.

An Act to locate a State Road in the counties of Shelby aud Rush.

(APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Kimble E. Midkiff and William Trackwell, of Shelby county, and Joseph Peck, of Rush county, be and they are hereby appointed and constituted commissioners, to view, mark out, and locate, a State road, commencing at the Catholic chapel on the Michigan road, in Shelby county, running thence east six miles and a few rods on a county road, till it intersects a State road in Rush county, running to Andersonville.

Sec. 2. The said commissioners, or any two of them, on the first Monday of March next, or as soon thereafter as may be convenient, shall meet at the most convenient point on said road, and, after taking an oath or affirmation faithfully to discharge their duties as such commissioners, shall proceed to view, mark, and locate said road, upon the route as proposed in the first section of this act, or as near thereto as the ground will permit; and said commissioners shall be governed by the laws now in force, except so far as this act conflicts therewith.

Sec. 3. The said commissioners may employ a surveyor and such other persons as they may need in locating and marking out said road, and they shall make a full report of their proceedings, together with a description of said road, its commencement, courses, and distances, and termination, to the boards of commissioners of the counties of Shelby and Rush, at their sessions next after the location of said road; whereupon, said boards shall declare said road a public highway, of the width of forty feet.

Sec. 4. Said commissioners shall each receive for their services one dollar and fifty cents per day; and such other persons as they may employ shall receive such sums as said boards shall allow, the same being a reasonable compensation; and the expenses to be incurred by the provisions of this act shall be borne and paid by the said counties of Shelby and Rush, in proportion to the distance said road shall run through said counties.

SEC. 5. This act to take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State forthwith to cause to be filed in the offices of the Auditors of said counties of Shelby and Rush, duly certified copies of this act.

# CHAPTER LXXXIII.

An Act to change a part of the Indianapolis and Pendleton State Road.

[APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of that part of the Indianapolis and Pendleton State road as lies between a point eight hundred feet from the north east corner of the donation at Indianapolis, and a point in said State road, thirteen hundred and eighty-nine feet from the centre line of the Indianapolis and Bellefontaine Railroad, at station ninety-nine, shall be changed, located, and established, sixty feet wide, on the south side of the centre line of said Railroad, from said point, eight hundred feet from the said north east corner of the donation, to said station ninety-nine, and from said station ninety-nine, said State road shall be located and established, sixty feet wide on a line north eighty degrees east, six hundred and thirty-nine feet, thence north sixty-three degrees east, seven hundred and fifty feet to the centre of the aforesaid State road.

SEC. 2. It shall be the duty of said Railroad company to open and put in good repair for travel and use, said State road between said points, as hereby located, and said company shall, also, before said cars shall be run on said Railroad, construct a substantial partition fence on the line of said Railroad between the track and said State road as hereby changed, leaving not less than forty feet for the State road.

Sec. 3. Said State road, as now located and used between said points, shall not be obstructed or vacated, until said new road, as hereby established, shall be opened and made suitable, and in as good repair as the old road shall be as used at the time, taking into consideration the difference between a new and an old road.

Sec. 4. The board of county commissioners of Marion county, shall, upon affidavit of the engineer of said Railroad, that said new road is opened, and in as good repair for travel as the old road, enter an order on the record of the board, vacating the old road between said points, and thereafter said new road shall be deemed and taken as a part of the aforesaid State road, and shall be kept in repair by the proper supervisor, under the direction of the engineer of said railroad.

Sec. 5. This act shall be in force from and after its passage and acceptance by the board of directors of said railroad company which acceptance shall be entered on the records of the board, and a certified copy thereof shall be filed in the office of the Secretary of State.

# CHAPTER LXXXIV.

An Act to locate a State road in the counties of Allen and Dekalb.

## (APPROVED JANUARY 12, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Job Lee and James Powel, of the county of Allen. and John C. Hursh, of the county of Dekalb, be and they are hereby appointed commissioners, to view, mark out, and locate, a State road, commencing at Auburn, in the county of Dekalb, and running thence in a south-easternly direction to the section line dividing sections sixteen and seventeen in Jackson township, in said county of De Kalb, thence running south on or as near to said section line as good ground can be found, to the south-east corner of section twenty in Cedar Creek township, in Allen county aforesaid, thence on the nearest and best ground to intersect the State road leading from Ft. Wayne to Cedarville.

Sec. 2. It shall be the duty of said commissioners to meet at the town of Auburn aforesaid, on or before the first day of June, 1849. at such time as they, or a majority of them, shall agree upon, and, after taking an oath before some officer qualified to administer the same to faithfully and honestly discharge their duties respectively as such commissioners, to proceed to lay out, mark, and locate, said road, and the said commissioners shall have power to employ such surveyor, chainmen, and axemen, as they may deem proper for the purpose aforesaid, and the said commissioners, surveyor, chainmen, and axemen, shall each be allowed by the Boards doing county business in the counties of Allen and De Kalb, such sum or sums as they shall deem just and reasonable, in proportion to the distance such road may run through said counties respectively.

SEC. 3. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward forthwith a certified copy of this act to each of the Auditors of the counties of Allen and De Kalb.

# CHAPTER LXXXV.

An Act to incorporate the Moscow and Blooming Grove Turnpike Company.

# (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Peck, Franklin Swain, William Bracken, Richard Robbins, John N. Presley, H. H. Gillam, John Walker, Edward Patterson, George G. Shoup, Thomas J. White, Joseph Price, and James S. Andrew, and their successors in office duly elected, are hereby constituted and appointed a body politic and corporate, by the name and style of the directors of the Moscow and Blooming Grove Turnpike company, with full power to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto in all courts of justice in this State, and adopt such by-laws as shall not conflict with the laws of this State, to use a common seal and alter the same at pleasure.

SEC. 2. The capital stock of said company shall consist of fifty thousand dollars, and may be increased to such an amount as shall be necessary for the completion of the road, and said stock shall be deemed and held as personal property.

Sec. 3. Said stock shall be divided into shares of fifty dollars each, and may be taken by individuals, States, or counties, to be paid in cash, labor, or materials, at such time, and in such amounts as may be agreed upon by a majority of the directors.

Sec. 4. A majority of the above named persons shall constitute a quorum for the transaction of the business of the company, and so soon as they may think it expedient, may meet at such place as may be agreed upon by said majority (having given three weeks notice by written advertisements put up in five of the most public places in the counties through which said road is to pass,) and proceed to open books for subscriptions to the capital stock of said company at such places as they may think expedient, and have power to adopt such by-laws as they think proper, not contrary to the laws of this State, to have a common seal and alter the same at pleasure.

Sec. 5. In case a quorum shall fail to attend at any time and place agreed upon (the notice in the preceding section having been given), those attending may either adjourn to some other time and place, or may consider the stations of the absentees or any of them vacated, and appoint a suitable person or persons to fill the same.

Sec. 6. So soon as twenty thousand dollars of the capital stock to said company shall be subscribed, the persons named above shall appoint some suitable time and place (giving notice as above) for holding an election to elect seven directors, who shall be stockholders in the company, and said persons mentioned in the first section of this act shall in all things manage said election, and shall give certificates to all the persons elected, who shall hold their office for one year, and until their successors are elected and qual-

Sec. 7. At said election and at each subsequent one each stockholder shall have one vote for every share up to ten, and one vote for every two shares [from ten] up to thirty, one vote on every threeshares above thirty up to sixty, and one vote on every five shares above sixty, and each stockholder may vote in person or by proxy, but said proxy shall be by certificate from the hand of the stockholder voted for; and the election for directors after the one alluded to above shall be held on the first Monday in February, of which notice shall be given in such manner as the directors may direct.

SEC. 8. So soon as the first board of directors are elected, the commissioners named in the first section of this act, shall deliver over to them all moneys, books, and papers, together with all other

property belonging to said company.

Sec. 9. The board of directors shall choose one of their own body President, also choose a Secretary and Treasurer, and a majority of

the directors may constitute a quorum to transact business.

SEC. 10. Said company shall have power to view, mark, locate, and construct a turnpike road from Moscow, in the county of Rush, to Blooming Grove, in the county of Franklin, touching at the intermediate points of Milroy, Palmyra, Andersonville, Somerset, and Laurel, and they [shall] either before or after the location of said road obtain from the person or persons through whose land the same may run, a relinquishment of so much of [the] land as may be necessary for the line of said road, also the stone, gravel, or an other material that may be obtained [near] thereto, to receive any gifts, grants, or bequests, in money, labor, or any kind of material for the use of said road.

SEC. 11. The company hereby incorporated shall commence the construction of said road within three years from the passage of this

Sec. 12. The corporation [shall cause] said road to be opened not less than fifty-five feet in width, except where it shall pass through the streets of towns or villages, and at no greater inclination or grade than four and a half degrees, at least eighteen feet of which shall be stone or gravel, well compacted together, in such a manner as to secure a firm, substantial and even road, rising in the middle with a gradual curve, and maintain and keep the same in good repair.

Sec. 13. So soon as said company shall have completed said road on any continuous five miles thereof, agreeably to the provisions of this act, they may erect a gate or gates at such distance, not less than five miles, and demand and receive of persons traveling on said road (except traveling to or from public worship and

funerals,) the tolls allowed in this act.

SEC. 14. The following shall be the rates of toll allowed for every

ten miles of said road, and a greater or less amount in the same proportion, to-wit: For every four wheeled carriage waggon or other vehicle drawn by one horse or other animal, a sum not exceeding ten cents; for every horse or other animal in addition five cents; for every cart, chiase, or other two wheeled vehicle, drawn by one horse or other animal, not exceeding ten cents; for [every] horse or other animal in addition five cents; for every sled or sleigh drawn by one horse or other animal, five cents; for every horse or other animal in addition, five cents; for every coach, chariot, or other four wheeled pleasure carriage drawn by one horse or other animal, not to exceed fifteen cents; for every horse or other animal in addition. five cents; for every horse and rider, not exceeding ten cents; for every horse, mule, or ass, nine months old and upwards, three cents, for every head of neat cattle nine months old and upwards, one cent; all other kinds of stock six months old and upwards one-half cent.

Sec. 15. The company shall put and keep up at the end of every mile, a post or stone with the number of miles from each extremity plainly cut or painted thereon, and also in a conspicuous place near each gate, shall [be] placed a board with the rates of toll legibly painted, and no gate keeper shall demand any toll unless said board

is put and kept up at or near said gate.

SEC. 16. When any part or portion of said road either from frost, rain, or any other cause, shall become so injured that persons traveling thereon shall feel aggrieved by reason of having to pay toll, the person or persons so aggrieved may proceed to the nearest justice of the peace and on complaint thereof under oath, said justice shall issue his warrant to any two disinterested persons, who after being sworn, shall proceed to examine said road, or that portion of it complained of, and in case they think said road is in such condition, that tolls ought not to be collected, they shall inform all the gate keepers on that part thus complained of, and no tolls shall be collected until said road is repaired, the losing party to pay all costs of such examination.

Sec. 17. The form of subscription to the capital stock of said road, or company, shall be as follows: "We the undersigned promise to pay the sum of fifty dollars for each share of stock set opposite to our names, in such manner and proportions, and at such time as the board of directors of the Moscow and Blooming Grove Turnpike Company shall direct, as witness our hands this - day of --- 184 ."

Sec. 18. Certificates of stock shall be given to the stockholders which shall be evidence of the stock held. They shall be signed by the President, and countersigned by the Secretary. The stock shall be transferable on the books of the company, personally, or by agent, attorney, administrator, executor, trustee, or guardian.

SEC. 19. The act incorporating the Laurel and Moscow Turnpike Company, in the counties of Rush and Franklin, approved

January 26, 1847, be and the same is hereby repealed.

Sec. 20. The Legislature hereby reserves the right to alter or amend this charter, in such way and manner as they may think most conducive to the public interest. This act to be a public act and liberally construed in all courts of justice, and to take effect and be in force from and after its passage, and the President and Directors of said company shall [be liable] in their individual property for all debts of said incorporation, by them contracted over and above the solvent stock of said company.

#### CHAPTER LXXXVI.

An Act to incorporate the Covington Draw Bridge Company.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to the provisions of this act, be and they are hereby constituted a body politic and corporate, by the name of the "Covington Draw Bridge Company," and by such name shall be capable of holding real estate sufficient for the purposes of this act, and to sue and be sued, plead and be impleaded, answer and be answered unto, in law and equity in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules and regulations, not repugnant to the constitution and laws of this State or the United States, as shall be found from time to time, necessary to promote the interest and good government of said corporation.

Sec. 2. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of twenty-five dollars each.

Sec. 3. That William Piatt, David Rawles, James G. Hardy, William Foster, and Joseph L. Sloan, be and they are hereby appointed commissioners to open books for subscriptions to the capital stock of said company, and the said books shall be opened on or before the first Monday in August next, and each of said commissioners may receive subscriptions either jointly or separately.

Sec. 4. As soon as three hundred shares shall have been subscribed, the said commissioners shall by publication in one or more newspapers printed in Fountain county, cause notice to be given of the time and place of meeting of the stockholders to elect directors, and at the time and place so appointed, the stockholders shall choose nine directors from the stockholders of said company, who shall serve one year and until their successors are chosen and qualified, a majority of whom shall constitute a quorum for the transaction of business; and an annual election for directors shall be held at such

time and place as the stockholders at their first meeting shall appoint, and the directors thus chosen shall, as soon thereafter as possible, choose one of their own body as president, and one also as secretary, and such other officers as may be necessary; Provided, That should the stockholders fail at any annual election to elect directors, the corporation on that account shall not be dissolved, but the president and directors for the time being shall continue to exercise the duties of their office, until their successors shall be chosen by the stockholders.

SEC. 5. The directors may demand from the stockholders all. such sums of money by them subscribed at such times and in such proportions as they may think proper, not however exceeding ten ner centum on the amount of such subscriptions at any one time. nor oftener than at intervals of four weeks after the first payment shall become due, which time shall be determined by the directors giving three weeks' notice thereof in one or more newspapers printed in the county of Fountain, stating the amount demanded and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition within ten days after it shall become due, the corporation may bring suit against such delinguent for the amount due in any court of competent jurisdiction, and recover the amount with one per centum a month, interest thereon from such delinquent, and if the amount cannot be made on execution, or if such delinquent is out of the State, the directors may declare such stock forfeited to the corporation with whatever

amount may have been paid thereon.

Sec. 6. The said corporation may erect a bridge across the Wabash river at any point opposite the town of Covington or its additions; and Chancey Carter of Cass county, Onro [Ovro] P. Jenison of Montgomery county, and Perrin Kent of Warren county, are hereby appointed commissioners whose duty it shall be on or before the first day of August next, first having taken an oath or affirmation before some officer authorized to administered oaths, faithfully and impartially to discharge their duties herein prescribed, to condemn the necessary quantity of ground for abutments, embankments, tollhouses, and necessary causeways and roads, to the same on both sides of said river, and for that purpose they are hereby invested with all the powers, and authorized and required to perform all the duties in this behalf given to and required of a jury regularly impanneled by the sheriff by the fifty articles of the forty-eighth chapter of the Revised Statutes of 1843; and said commissioners shall in all things be governed by the provisions of said article, qualified by this section; said commissions shall make the return required by the one hundred and second section of said article, to the office of the clerk of the Fountain circuit court, which said court shall, under the provisions of said article, shall have full and complete jurisdiction for this purpose on both sides of said river; and the said commissioners on or before the first day [of] August next, shall determine the point. on said river, between the limits in this section prescribed, where

said bridge shall be erected; in case of [the] sickness, death, or refusal to act of any one of said commissioners, the other two may perform all the duties herein prescribed; each of said commissioners shall receive the sum of three dollars for each day they may be em-

ployed therein.

Sec. 7. When said bridge shall be completed, the said corporation may erect at either end a gate, and demand and receive the following rates of toll:—For two horses or oxen and loaded wagon twenty cents; for the same not loaded ten cents; for a four horse or ox team and wagon loaded twenty-five cents; for the same not loaded fifteen cents; and for every additional horse or ox attached thereto two and a half cents; for a single horse and wagon or buggy, fifteen cents; for a horse and rider five cents; for a person on foot three cents; for horses or cattle led or driven per head three cents; for hogs, sheep, or claives per head, two cents; and in similar proportions to the foregoing rates for any other animals or carriages.

Sec. 8. Said bridge shall be elevated to a sufficient height above high water mark, to admit the free passage of flatboats under it.

Sec. 9. The said company shall cause to be stationed, during such times as the Wabash river may be navigable for steamboats, a qualified person or persons, whose duty it shall be to raise or otherwise to remove the "draw" in said bridge, when boats are approaching by night or by day, and it shall be the further duty of said company, to cause a light to be placed on each side of said "draw," when the river is so navigable, and should any avoidable or unnecessary delay accrue [occur] by neglect of these provisions in permitting steamboats to pass up and down said river, the said corporation shall be subject to fine of not less than ten nor more than three hundred dollars, for the benefit of the owner or owners of the steamboat so detained, to be recovered by said owners owners in an action of debt before any court having competent jurisdiction.

Sec. 10. It shall be the duty of the directors to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election, or at any other general meet-

ing of the stockholders.

Sec. 11. The president and directors shall fill all vacancies that may happen in their own body, and may sit on their own adjournments or the call of the president, and when the president is absent

the directors may appoint a president pro tempore.

SEC. 12. In all elections for directors each stockholder shall be entitled to vote in person or by proxy, under such regulations as may be prescribed by the stockholders according to the following scale: for each share not exceeding five shares one vote; for every two shares above five and under fifteen one vote; and for every three shares above fifteen one vote.

Sec. 13. Yearly dividends of so much of the profits as the directors may deem expedient, shall [be] declared by publication four weeks before the day of the annual meeting of the stockholders, and payable on the day of such meeting; but no dividend shall be made of more than the net profits after deducting all expenses.

Sec. 14. Certificates of stock shall be given to the stockholders which shall be evidence of stock held; they shall be signed by the president and countersigned by the secretary; the stock shall be transferable on the books of the corporation only, personally or by attorney duly authorized for that purpose; but such stock shall at all times be held by the corporation for any debts due from the holder to the corporation.

Sec. 15. If any person shall willfully injure said bridge, he, she, or they so offending shall forfeit and pay to the corporation treble the amount it may cost to repair the same, with costs of suit, to be recovered in an action of debt before any court of competent juris-

diction.

Sec. 16. If any person shall forcibly pass the gate without having paid or tendered the legal rate of toll, he shall forfeit and pay to the corporation six times the amount of legal tolls to be recovered with costs of suit in an action of debt before any justice of the

peace in Fountain county.

Sec. 17. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall demand more than the legal rate of toll, he shall for every such offence forfeit the sum of five dollars for the benefit of the person so delayed or defrauded, to be recovered before any justice of the peace in Fountain county, with costs of

Sec. 18. If said bridge shall not be completed in five years from the passage of this act, then this act to be void, otherwise to remain in full force for the period of twenty-five years from such completion.

Sec. 19. The directors of the company hereby incorporated, shall be liable individually for all debts contracted by said directors; and the stockholders for all damages occasioned by the construction or keeping in repair said bridge; in amount exceeding the solvent stock of said company at the time such contracts were made, or [such] damage accrued; in case the injury result to boats manned by skilful pilots, said pilots and those managing the boat using all skilful means to avoid injury to such boat upon said bridge; and the legislature reserves the right to alter, amend, or repeal this charter, when the franchise shall prove oppressive to the community in which they shall be exercised, or shall have been violated by said company.

SEC. 20. This act to take effect and be in force from and after

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#### CHAPTER LXXXVII.

An Act to repeal a certain law therein named, so far as relates to the county of Elkhart.

#### (APPROVED JANUARY 11, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That section eighty-one of the sixteenth chapter, article third of the Revised Statutes of 1843, authorizing supervisors to assess and collect an additional road tax be, and the same is hereby repealed, so far as the same relates to the county of Elkhart.

Sec. 2. This act to take effect and be in force from and after its passage.

#### CHAPTER LXXXVIII.

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An Act relative to the Commissioners of the Western Division of the Buffalo and Mississippi Railroad Company.

#### (APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of the western division of the Buffalo and Mississippi Railroad Company are hereby authorized and empowered to construct, run, manage, and operate the branch specified in section five (5) of an act, entitled "An act to amend an act entitled an act to incorporate the Buffalo and Mississippi Railroad Company, approved February 6, 1835," approved January 6, 1846, and for that purpose shall possess and enjoy all the powers and capacities, and have all the privileges and immunities granted to the Buffalo and Mississippi Railroad Company.

SEC. 2. Said commisioners may construct said branch as soon as that part of the main line between Laporte and Michigan City shall be completed, and complete the same within six years thereafter; and it shall constitute a part of the western division of said road, and may be constructed, managed, run, and operated as such: Provided, That nothing herein contained shall be so construed as to require or authorize the said Buffalo and Mississippi Railroad Company to redeem said branch, but the same shall be constructed, run, managed, and operated forever by the board of commissioners of said western division, and their successors, or the lenders of [the] money, (as the case may be) as is provided in section three of an

act, entitled "An act to amend an act [entitled an act] to incorporate the Buffalo and Mississippi Railroad Company," approved February ruary 6, 1835, and the several acts amendatory thereto, approved Feb. 8, 1848, and the costs thereof shall not at any time constitute a change [charge] upon the said Buffalo and Mississippi Railroad Company, nor shall said company, at any time, have or exercise any control over said branch, or any part thereof. And for the purpose, of constructing, managing, running, and operating said branch, the said board of commissioners of said western division, and their successors in office forever, are hereby constituted a body politic and corporate, with perpetual existence, during the life of the said original charter, with such powers for the purposes aforesaid as are specified and given in the amendment aforesaid, approved February 8, 1848: And provided further, That in case the said Buffalo and Mississippi Railroad Company shall redeem, as provided and allowed in the amendment last aforesaid, the said board of commissioners, or lenders of the money, or owners of the said branch, as the case may be, shall be entitled to all the privileges on the road between the junction of said branch and the main line of said road and Lake Michigan, and from thence to and from the Illinois State line, secured to the Michigan Central Railroad Company, by the eighth section of the amendment last aforesaid.

Sec. 3. This act shall be a public act, and shall be in force from and after its acceptance by said board of commissioners of the western division of said road, and all laws conflicting with the pro-

of any corners to body the the recent of State or of the United

visions of this act are hereby repealed.

# CHAPTER LXXXIX.

An Act to extend the Lawrenceburgh and Rushville Rail Road to the Coal region near Point Commerce, in Greene county, via Martinsville, Gosport, and Spencer.

# (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the directors of the Lawrenceburgh and Rushville-Railroad have power to extend the same to Point Commerce in Greene county, by the way of Edinburgh, Martinsville, Gosport, and Spencer.

Sec. 2. That the directors of the Rushville and Lawrenceburgh Railroad have power, and they are hereby authorized to construct an arm or branch of said road commencing at the town of Greensburgh, in the county of Decatur; *Provided*, Said road should be lo-

cated through said town, and if said road should not be located by or through said town, then said arm or branch shall be commenced at the point of said Rushville and Lawrenceburgh road nearest to said town of Greensburgh, thence through or by said town of Greensburgh by way of Milford, Edinburgh, and Martinsville, thence on the best and most practicable route to the coal region on the west side of Indiana, at such point as the company may select: Provided however, That said rail road shall not be located parallel with the Milford and Columbus Railroad, within less than ten miles of the same, unless a majority of the stockholders of said Milford and Columbus Railroad Company consent to the same; And provided further, That none of the stock now subscribed by the Lawrenceburgh Railroad shall ever be used for the construction of said arm or branch of said road, without the consent of a majority of the stockholders of said company.

Sec. 3. For the purpose of enabling said company to construct said arm or branch, it shall and may be lawful for said company to increase their capital stock to any additional amount not exceeding four hundred thousand dollars, divided into shares of fifty dollars each, and for the construction of said arm or branch; said company shall have power to appoint agents and all other officers and persons necessary to carry into effect the objects of this act.

SEC. 4. The corporation may, for the purpose of constructing said arm or branch, cause books to be opened for subscription to the capital stock herein allowed, at such time and place or places as they may choose, due notice of which shall be given, in at least one newspaper published in the town, city, or county, where such books

are proposed to be opened.

Sec. 5. It shall be lawful for any person of lawful age, for the agent of any corporate body, for the agent of State or of the United States, on behalf of the same, to subscribe for any amount of capital stock, and the books shall be kept open for any [such] space of time, and at such place or places as the corporation shall choose. and may be re-opend at any time; and for the purposes of constructing said arm or branch, said company may by an agent, offer for sale in any other State any amount of stock, upon such terms and condititons as may be thought advisable; and said company shall have power, on the credit of the corporation, to borrow money on such terms as may be agreed on by the parties, for the construction of said arm or branch. And the corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper, but such relinquishment shall be made known by being inserted in the notice for opening the books, and any farther payments of stock shall be under the control of the corporation.

SEC. 6. Certificates of stock shall be given, signed and countersigned and transferred on the books of the corporation, subject to the same rules provided in the tenth section of the act to incorporate the Rushville and Lawrenceburgh Railroad Company.

Sec. 7. The corporation shall have power to call for such portion of the stock subscribed for such arm or branch, not exceeding twenty-five dollars on [each] in any one year, as they may think proper, to be paid at such time and place as they may designate by giving sixty days notice; which notice shall and may be given in the same way and under and subject to the same rules and regulations, and the same rights of the parties governed and determined by the provisions of the eleventh section of the act incorporating said Rushville and Lawrenceburgh Railroad Company.

SEC. 8. The corporation by their agents shall have full power to construct on said route a single or double track, and for the purpose of making a survey and location, and searching for stone, wood, gravel, and other materials necessary to construct said road, shall have all the rights and privileges and be subject to the same rules and liabilities set out and contained in the thirteenth section of the

act referred to in the sixth section of this act.

S<sub>EC</sub>. 9. It shall be lawful for the corporation either before or after the location of said arm or branch, to obtain the right of way from any person or persons through whose land said road may pass, and also donations in stone, gravel, or other materials for the construction of said road; and may receive by donation any land, labor, money, or other property, for to aid in the construction of said road; in the exercise of such rights, privileges, and benefits, the said corporation shall and may be governed by the provisions of the fourteenth section of the charter of said Rushville and Lawrenceburgh Railroad Company.

Sec. 10. Should said company fail to procure the right of way in consequence of a refusal of persons through whose land said road may run, then and in that case said company may proceed to procure the same, agreeable to the mode pointed out and described in the fifteenth section of the charter referred to in the eighth sec-

tion of this act.

SEC. 11. Whenever it shall so happen that the owner or owners of any land or materials sought to be procured for the benefit of said road shall be minors, insane persons, or reside out of the county, then and in that case the same proceedings, may be had specified and set out in the sixteenth section of the charter of the Rushville and Lawrenceburgh Railroad Company, referred to in this act.

SEC. 12. That if it shall be found necessary and advantageous to the location and construction of said arm or branch, to lay the same along or upon any State or county road, said company shall have the same rights, and be governed by the same rules, and proceed in the same way, and be subject to the same liabilities contained and provided in the seventeenth section of the act incorporating the said Rushville and Lawrenceburgh Railroad Company.

Sec. 13. When said corporation shall have procured the right of way, they shall enjoy the same privileges and benefits contained in

the eighteenth section of the charter above referred to.

SEC. 14. That said company in adopting the kind of carriages

to be used on said road, and in the transporting of passengers and freight, constructing turns, gates, bridges, aqueducts, culverts, and ware-houses, and in changing [charging] tolls and the manner and mode of using said road, shall and may be governed by the twenty-first section of the charter of said Rushville and Lawrenceburgh Company.

Sec. 15. Said company in charging and receiving tolls and making dividends of profits, shall and may be governed by the twenty-second and twenty-third sections of the charter above referred to, and said company for the purpose of protecting said road from injury, shall have all the rights and privileges secured and guaranteed by the twenty-fourth section of the charter above in this section referred to.

Sec. 16. It shall and may be lawful for the County Commissioners, for the county through which the road passes, for and on behalf of said county, to authorize by an order as much of the stock to be taken as they may think proper, and should the capital stock allowed by this act prove insufficient to accomplish the intended work, the corporation may increase the same.

Sec. 17. In the construction of said arm or branch, said corporation shall have and possess all the rights and privileges, and be subject to all the liabilities contained in the charter of said Rushville and Lawrenceburgh Railroad, so far as the same may be applicable and proper.

Sec. 18. This act to take effect and be in force from and after its passage, [and shall have the same force and effect as if it had been in the original charter of said company.]

### CHAPTER XC.

An Act to incorporate the Williamsburgh and Centreville Turnpike Company.

(APPROVED JANUARY 11, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Oliver T. Jones, Joseph Lewis, John B. Catrey, [Catey] Washington Henderson, John Stiggleman, Alexander Cheesman, and Joshua Ballenger, of the county of Wayne, in the State of Indiana, and their successors in office duly elected, as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of "The Williamsburgh and Centreville Turnpike Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be

defended against, in all and any courts of competent jurisdiction, and to make and use such common seal as they may devise, and the same to change at their pleasure; and shall be able and capable in law to make and enforce contracts, [and to make] and enforce the necessary by-laws and regulations to enable them to carry into execution and effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of the State of Indiana.

SEC. 2. The capital stock of said company shall be twenty thousand dollars, divided into shares of twenty-five dollars each, and shall be applied to the making of a gravel turnpike road from Williamsburgh to Centreville, in Wayne county, Indiana.

SEC. 3. The persons in the first section of this act named, shall be directors of said company until others are elected and qualified, as is hereinafter directed, and a majority of them shall meet in the court house in said town of Centreville, on the first Monday in February, or at [any] other time or place that they may agree upon, and at such meeting may organize said company by electing one of their body president, and another clerk, and another treasurer; and after such organization, any five of said board shall form a quorum to do business.

Sec. 4. [The] said company shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, and all other officers and servants necessary and proper to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of any such sums of money as may be allowed to their officers and all others in their employ; which journal shall from time to time be signed by the president. The directors may sit upon their own adjournments, or on the call of the president; when the president is absent they may call a president pro tempore, and they may fill all vacancies that may occur in their body.

SEC. 5. The company may cause to be opened books for the subscription of stock at such times and places as they may think proper, which subscription said company may take in money, real or personal estate, labor, or in any other way whatever.

Sec. 6. As soon as three hundred shares of said stock are subscribed for, and ten per cent. thereon paid, it shall be the duty of the board of directors to give three weeks notice thereof, in some weekly newspaper printed in Centreville, in said county of Wayne, appointing a time and place for the stockholders to meet and elect seven directors, who shall be stockholders and citizens of the State, which election shall be by ballot, and conducted under the supervision of one inspector and two judges appointed by the stockholders present, and the persons having the highest number of votes shall be declared duly elected; and in all elections each share shall entitle the holder to one vote, such vote to be given by the holder, or by the agent, executor, or administrator, or guardian, of such holder, or by his proxy.

Sec. 7. The directors of said company shall have the power to elect one of their own number president; and the president and directors thus elected shall continue in office until their successors are chosen and qualified; and elections for directors shall be there. after annually held on the first Monday of November in each year or [in] case of failure, at any other time fixed upon by the directors and said directors may compel any of their officers to give security for the discharge of their duties:

Sec. 8. The said incorporation may make a loan of money pledging the effects thereof for payment of the amount borrowed.

SEC. 9. Certificates of stock signed by the president and countersigned by the clerk, shall be given to the stockholders as evidence of the stock held. The stock may be transferred on the books of the company only; and the company shall hold a lien on the stock of any holder for any dues going to the incorporation from any such holder.

Sec. 10. The stock shall be paid in in such amounts, and at such times, as the directors may order, of which due notice shall be given to the stockholders. Should any stockholder refuse or neglect to pay any instalment when due, said company may sue therefor and collect the same with ten per cent. damage; and if any stockholder prove insolvent and fails to pay up for the stock owned by him, the company may declare his stock forfeited; and no delinquent stockholder shall have any right to vote at any election, orreceive any dividend on his stock.

SEC. 11. For the purpose of locating and constructing a turnpike road from Williamsburgh to Centreville aforesaid, it shall be lawful for said company to enter upon any lands to make surveys and estimates, and to locate, lay out, and construct said road upon. such ground as they think proper, and to take from and off the lands lying convenient to said road all such timber, stone, [gravel] or other materials as may be necessary, in all cases paying to the owner of such materials a fair compensation therefor, to be ascertained as hereinafter provided.

Sec. 12. For the purpose of determining the value of any materials taken under the provisions of this act, or the damages sustained by any person in consequence of the location of said road, either said company, or said person claiming damages, or pay for materials taken as aforesaid, may select one disinterested freeholder of the county, and give notice to the opposite party to select another freeholder as aforesaid, to act as arbitrators in the settlement of the quantum of damages, or pay for materials as aforesaid, which notice specifying the time and place of meeting, shall be served on the opposite party, at least three days before such meeting; and said two freeholders shall choose a third man of similar qualifications, and such arbitrators shall have power to issue all the necessary process to bring before them witnesses, papers, &c., to the same extent and in the manner that justices of the peace have; and the decision of such arbitrators in the premises shall be final. and conclusive, unless appealed from to the proper circuit court, which appeal is hereby authorized according to the same rules that prevail in cases taken from a justice's judgment.

SEC. 13. Said company shall commence within two years the

said road, and finish it in five years.

Sec. 14. If said company shall suffer said road to remain out of repair for any unreasonable length of time, they shall, during said time, take no tolls; and if said company, after the completion of said road, shall suffer said road to get out of repair, and for one year remain impassable, (except when repairing the same,) this charter shall be forfeited.

Sec. 15. It shall be lawful for said company, after the completion of said road, to put up thereon one toll gate or more, and to charge as toll not exceeding the following rates for every five miles, and in proportion for any shorter distance, viz: for every four wheeled carriage, wagon, or other vehicle, drawn by one horse, fifteen cents; for every horse or other animal [in addition] five cents; for every cart, chaise, or two wheeled pleasure carriage drawn by one horse, ten cents; for every other horse or other animal in addition, five cents; for every sled or sleigh drawn by one horse, ten cents; for every coach, chariot, or other four wheeled pleasure carriage drawn by one horse, fifteen cents; for every horse and rider, five cents, for every horse, mule or ass, three cents; for every head of neat cattle, two cents; and for each hog or sheep, one cent: Provided, That all persons going to or from church, and all funeral processions, shall pass free of toll.

Sec. 16. That the directors of said company and their private property, shall be liable for the debts of said company, by them contracted, over and above the solvent stock of said company.

· Sec. 17. And the General Assembly hereby reserves the right to alter, amend, or repeal this charter, on the violation of any of the chartered privileges of the said incorporation.

SEC. 18. This act shall be in force from and after its passage. AUPROVER'I ANUARY HE ISHA

VHERRAS. For the purpose of continuing the succession of the said

Liberty and Alangton tumpike company as a corporate nody

# were and proceedings of said turnpiles company, done by them in CHAPTER XCI.

An act for the relief of Walter Hilt.

(APPROVED DECEMBER 27, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Walter Hilt of Jefferson county, be and the same is hereby changed to Walter Jines, and all contracts and

conveyances heretofore entered into and executed to and by the said Walter, by the name of Walter Jines, are hereby made and declared to be as valid and effectual as if the same had been his legal name at the time of the execution of such contracts and con-

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An Act to change the name of Mary Maranda Landrum.

(APPROVED DECEMBER 27, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Mary Maranda Landrum be and the same is hereby changed to that of Mary Maranda Alexander. Sec. 2. This act to be in force from and after its passage.

kens, for every horse male or see three cents; for every herd of meas carely, two mentar and for each how, or sheep, one cent; Pro-

wide. That all persons going to or from church, any all finiteral

Sec. 'Id. That the directors of said commany and their private

# reports; shall be itable for the debts of said company, by them CHAPTER XCIII.

An Act to amend an act entitled, "an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abington turnpike company, approved January 15, 1844.

#### (APPROVED JANUARY 11, 1849.)

WHEREAS, For the purpose of continuing the succession of the said Liberty and Abington turnpike company as a corporate body as at presert organized, and to legalize, confirm, and ratify the acts and proceedings of said turnpike company, done by them in the organization thereof.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the aforesaid Liberty and Abington turnpike company, be and is hereby declared to be duly organized, and that all acts and proceedings of said company heretofore done and executed, or agreed to be done and performed by said company, to any person or persons, or done, executed and performed, or agreed to be done, executed, or performed, by any person or persons, in behalf of, or

for the benefit of said company, are declared to be valid and binding in law on all persons thereto promising, agreeing to, (or having executed the same,) and that all contracts heretofore made by, for. or with said company are declared to be binding, and of full force in law against each and every person or persons who have made or entered into contracts with said company, or any person or persons for the benefit of the same: Provided, That the said contracts were executed or entered into by the parties thereto at the time thereof in good faith, and were within the powers and for the benefit of said company, and not in violation of any public law of the State of Indiana.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, divided into shares of twenty-five dollars each, but the said company are hereby invested with full power either to increase or diminish the capital stock of said company in order to accomplish the objects herein contemplated, if the same is nec-

essary.

SEC. 3. The said company shall have full power by themselves, or agents, from time to time to examine, survey, make, and locate a route for a turnpike road from Liberty in Union county, to Abington in Wayne county, running on the best ground for the interest of said company and the convenience of the public, thence through any improved or unimproved land, from point to point, and may lay the same upon, across, or along any State or county road in said counties, and shall in all respects have all the powers, privileges, and rights as a turnpike company, [which the College Corner and Liberty turnpike company now have, and shall in all things be governed by the act incorporating said company, and the last amendment thereto not in conflict with this charter.

Sec. 4. The said company shall have full power to erect toll gates on said turnpike when the same is finished and completed, and shall have full power and authority to charge the same rates of toll for all travel thereon as is charged and allowed to be charged, by the College Corner and Liberty turnpike company: Provided however, That all persons going to mill, with all the other exceptions specified in the amended charter of said company shall be exempt from payment of toll on said turnpike: And provided further, That if the said company shall complete said road, with the exception of the bridge across White Water river, they are hereby authorized to erect gates and charge toll as above, for the term of one year, without having completed said bridge.

SEC. 5. The said company in its general government, shall in all things be governed by the amended act of the said College Corner and Liberty turnpike company, approved February 9, 1848, not inconsistent with this act, and shall be liable to all the penalties specified in said act for any violation of their duties as a company.

SEC. 6. That the act being an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abington turnpike company, approved January 15th, 1844, (except the second section thereof,) and an act to amend said act, approved January 13th, 1845, and all laws and parts of laws contravening or impairing the provisions of this act, so far as they relate to the said Liberty and Abington turnpike company, and the government of said corporation be and are hereby repealed.

Sec. 7. This act shall be in force from and after its passage, and shall be decreed [deemed] a public act and liberally construed for all

beneficial purposes.

#### CHAPTER XCIV.

coannd dollars, divided uno doses of themy dive dollars each, but

An Act to amend the act entitled "an act to incorporate the Madison and Brownstown Turnpike Company, which became a law February 11th, 1848.

#### (APPROVED JANUARY 16, 1849)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the act entitled "an act to incorporate the Madison and Brownstown Turnpike Company," which became a law on the 11th day of February, 1848, as is contained in the 31st, 32d, 33d, and 34th sections of said act, which authorizes David C. Branham, Robert Marshall, William Griffin, D. Schnider, and Milton Stapp to locate and establish a turnpike road from the city of Madison to North Madison, thence to some point on the Michigan road, be and the same is hereby separated from the provisions of said act, and the power therein given to the company organized or to be organized under said act, to take possession of said road from the city of Madison to North Madison, and to a point on the Michigan road, be and the same is hereby repealed.

SEC. 2. That the said David C. Branham, Robert Marshall, William Griffin, D. Schnider, and Milton Stapp and their successors in office duly elected as hereinafter directed, are hereby constituted a body politic and corporate under the name, style, and title of the North Madison Turnpike Company, and shall be able and capable in law and equity to sue and be sued, answer and be answered unto, defend and be defended in all courts whatever, to make and use a common seal, and the same to alter or change at pleasure, and to make all by-laws necessary for the good government of said company, and to have all the powers usually incident to turnpike companies.

Sec. 3. The commissioners above named, or directed [directors] to be elected, shall continue the location and construction of said road to its final completion in such manner, and at such times, as the interest of the stockholders and the good of the public shall demand. They shall have power to receive further subscriptions of stock to said road, or donations either in money or property, as they may think best, and to turn the property into money by sale thereof, or into labor on said road.

Sec. 4. That said stock shall be taken in shares of twenty-five dollars each, to be paid [as] called for by the directors, not exceeding one fifth part thereof, every three months, and should any stockholder refuse or neglect to pay any stock when due, it shall make a forfeiture of any stock previously paid, or said corporation may sue for and recover the same in an action of debt or assumpsit in

any court of competent jurisdiction.

Sec. 5. The directors in said company shall consist of five persons, any three of whom shall form a quorum to transact business, and shall have power to appoint all officers and servants that they may think necessary to carry out the objects of the company

in regard to said road.

Sec. 6. That on the first Monday in May next, or so soon thereafter as a majority of the commissioners shall appoint, and on every subsequent first Monday of May thereafter, there shall be an election held at such place as may be appointed by said commissioners or directors, to elect five directors for said company, the same to be elected by the stockholders under the direction and superintendence of an inspector and two judges, to [be] appointed by the commissioners or directors, each stockholder having one vote for each share of stock he may have in said company, and such directors to serve one year from the time of their election, and until their successors are elected and qualified, and all vacancies in the commissioners or directors shall be filled for the time being by a majorty of [the] directors in office.

Sec. 7. That said company shall have power to acquire, have' sell, and dispose of such real estate as may be expedient for the company, and to enter upon and take possession of all lands and materials necessary for the location and construction of said road, and its appendages, and to keep the same in repair, being accountable to the owner thereof for damages, and reasonable value thereof after deducting the value the road may be to such owner; to erect, continue, and keep a toll gate, and to establish, charge, and collect tolls of all persons using said road, so soon as the same may be made a good clay turnpike from the city of Madison to North Mad-

Sec. 8. The said commissioners or directors may charge such rates of toll as they may judge reasonable, not to exceed the following, to-wit: For every four wheeled wagon or carriage of any description drawn by one horse, [or] other animal, five [fifteen] cents; for every additional horse or other animal, five cents; for every two wheeled carriage of any description, drawn by one horse or other animal, ten cents; for every horse or other animal in addition, five cents; for every sled or sleigh, or [other] similar vehicle drawn by one horse or other animal, five cents; for every horse or other animal in addition, five cents; for every horse or other animal, and rider, five cents; for every horse, mule, or ass six months old and over, led or driven, three cents; for every head of neat cattle six months old and over, two cents; and each hog and sheep, one cent.

SEC. 9. That no one shall have the privilege of dragging any timber, stone, or other material on said road, unless upon special contract with said company, nor shall any wheeled carriage of any description, with a rough or slide lock be dragged over said road, unless by such special contract, under a penalty of five dollars, to be recovered of the owner or driver thereof for every such offence after the first one.

Sec. 10. The five persons above named shall elect one of their number president, and shall appoint a secretary either of their own number or otherwise, and the same shall be done by the directors when elected, and the signature of such president to any contract or order, attested by the Secretary, shall be *prima facia* evidence of

its being the vote [act] of the board.

Sec. 11. That if no contract or agreement can be made to release to said company the right of way to locate said road from North Madison to the Michigan [road,] or for timber, earth, stone, gravel, or other material for the construction or repairing said road. and the person owning said land on which said road is [to] be located. or such timber, earth, stone, gravel or other material, claims damages therefor, such person claiming the same shall lay before said company in writing his claim aforesaid, distinctly setting forth that claim or damages, or both, and the company shall appoint one person, and the claimant another person, and those two a third, who shall, on the testimoney of witnesses, or their own view, or both, assess such damages, or allow such compensation to either party as they may think right and proper, taking into consideration the advantages and disadvantages the road may be to such claimant. who shall make their award in writing, and deliver a copy to the company, and to the claimant.

SEC. 12. That if the amount of said award is not paid by said company with all the costs thereon within ten days after having received a copy thereof, then the claimant shall file said copy with some justice of the peace in Madison township, who shall summon said company by their president or secretary, to come before such justice; and if said company cannot show good cause why such award should not be paid, then such justice shall enter judgment for the amount, and so if the award is against the claimant, and he refuses to pay the costs and damages, or amount assessed against him for the advantages of the road, the company shall in like manner file said award with the [a] justice, who shall give judgment in like manner; either party may have a jury before the justice as in other cases, and may appeal to the circuit court from

the decision of the justice, as in other cases.

SEC. 13. That if any person shall use such road in [any] manner whatever so as to commit a fraud on the company, or use portions thereof and not pass through the gate so as to be chargeable with toll, such person shall forfeit and pay to the company five dollars for every such offence; *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon, without going through the gate, about their premises for their common and every day business.

Sec. 14. That said company shall have the power of preventing any side road being made into said road; *Provided*, That public, county, or State roads and streets may be made across the same.

SEC. 15. That the directors of said company may, for the time being, open their gates and make the road a free road, and on giving thirty days notice in some newspapers in the city of Madison, renew their power of charging toll, and the stockholders may at at any time make the same a free road forever on a vote of three-fourths of the stock being given in favor of the same, and in that case it shall be a county road, and be kept in repair as such.

Sec. 16. That for the purpose of finishing said road from Madison to North Madison, and constructing the same to the Michigan road, and for McAdamizing the whole road, the common council of the city of Madison may take stock in the same to the amount of five thousand dollars, payable in ten annual payments with interest annually; Provided, That before the common council shall take stock they shall be satisfied by petition that there are two thirds of the property holders residing in said city west of Poplar street, and owning property in the bounds of said city west of said Poplar street, and its line of extension north, who are in favor of the city taking such stock, and taxing the amount on the real estate within the boundaries of the city west of said Poplar street, and its extended line as aforesaid.

Sec. 17. That in each and every year when the common council shall make their levy, they shall levy a sum fully sufficient to pay said interest and instalment, and if there should [be] an excess collected, it shall be carried to the credit of such bonds for the next year.

SEC. 18. That this act to take effect and be in force from and.

after its passage.

#### CHAPTER XCV.

An Act to incorporate the Ladies' Sigourney Library, at Logansport.

(APPROVED DECEMBER 27, 1848.)

Whereas, A number of ladies of the city of Logansport, associated for purposes of literary improvement, have accumulated a large number of books which they wish to preserve and increase; therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Mrs. Wealthy A. Vigus, Mrs. Eliza M. Post, Mrs. Mary Carter, Mrs. Nancy C. Culbertson, Mrs. Susan C. Thompson, Mrs. Julia M. Rice, Mrs. Nancy P. Lasselle, and Messrs. Huldah Green, and their successors in office, be and they are hereby created a body corporate and politic, by the name and style of the Ladies' Sigourney Library, and by said name shall have perpetual succession, with power to sue and be sued, plead and be impleaded, in all courts of law and equity.

Sec. 2. Said corporation may buy, sell, and hold property, both real and personal, for the use and purposes of said library, to an amount not exceeding twenty thousand dollars, and shall have all the rights and remedies, and be liable to all the duties, incident to such corporations.

SEC. 3. The books, papers, moneys, and all other property accumulated by the ladies under the incorporated [unincorporated] style of the "Sigourney Library Association," are declared to be the property of and vested in the said corporation hereby created.

SEC. 4. Said corporation shall have power to make and enforce such by-laws as may be necessary to carry into effect the objects contemplated by this act, and to adopt a common seal.

Sec. 5. Any lady may become a member by paying fifty cents annually in advance, and shall thereupon be eligible to any office in, and entitled to a vote at any election of, the Library, and gentlemen may become honorary members on payment of one dollar annually in advance; but honorary members are expressly excluded from the right of voting or holding office, unless that the directors may, in their discretion, appoint a gentleman Librarian. All persons under the age of sixteen years, may have the benefit of honorary members, on payment of fifty cents annually in advance.

Sec. 6. A failure to pay as aforesaid shall be a forfeiture of membership, and of all the rights and benefits incident thereto; *Provided*, That subsequent payment of such back fees, and all such fines or other dues as the party may have incurred, shall restore all rights so forfeited.

Sec. 7. The officers of the said corporation shall be elected annually, on the second Tuesday in February, and shall consist of a

president, Secretary, Treasurer, Librarian, and five Directors, chosen by ballot, and to hold office until their successors are elected and qualified, unless removed by the unanimous vote of all the other officers, or by a two-thirds vote of the members of the corporation, called together for that purpose by any one of the officers.

- SEC. 8. The elections shall be conducted by two judges, appointed by the members present at the election, and a plurality of votes shall be sufficient to elect. Should there, from any cause whatever, be a failure to elect, on the day of the annual election, an election may be held on the second Tuesday of any succeeding month; each member present at the election shall have one vote.
- SEC. 9. A meeting of at least twenty of the members shall be necessary, before an election can be held. A majority of the officers shall constitute a quorum for the transaction of business, and no moneys, save for incidental expenses and the purchase of books, shall be expended, but on the two-thirds vote of all the officers present at a regular meeting, and all votes for expenditures shall be entered at full length on the books of the corporation.
- SEC. 10. The duties of the officers in other respects, the time for the monthly meetings, and the regulations for the Library, shall be provided for at length in the by-laws, and the ladies now in office, and herein above named, shall hold the same and discharge the duties thereof respectively, until the annual election in February eighteen hundred and forty-nine, and until their successors are elected and qualified.

Sec. 11. The board of commissioners of Cass county may, in their discretion, appropriate from the county treasury any sum not exceeding one hundred dollars annually, for the purchase of books for the "Ladies' Sigourney Library," to be purchased under the direction of the Librarian.

Sec. 12. The said directors, or a majority of them, may, in their discretion, require of the Treasurer and Librarian a bond, in such penalties as the directors shall think proper, for the faithful performance of their respective duties, and such bond signed by the surety to the acceptance of the directors, shall be sufficient, without the signature of the Treasurer or Librarian. All such bonds shall be payable to "The Ladies' Sigourney Library," and shall be filed with the Secretary, and entered at full length on the books.

Sec. 13. The Secretary shall keep a book, in which the names of all the members, and those entitled to the privileges of honorary members shall be so enrolled, and all the books and records of the corporation shall be open to the inspection alike of the members and of honorary members.

Sec. 14. In all trials for fines or forfeitures, the Librarian shall be a competent witness; and her written entries shall be competent evidence of the delivery of the book or books, and of the date of such delivery; and in no case when the corporation hereby created

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is a party litigant, will it be a valid objection to the competency of a witness that she is a member or an officer of "The Ladies"

Sigourney Library."

Sec. 15. Vacancies in office by death or otherwise, may be filled by a vote of the other officers present at any regular meeting, or by calling a meeting of the members for that purpose, which may be called by the President, or in her absence or other disability, then by the Secretary.

Sec. 16. This act to be in force from and after its passage.

necessary before an election can be held. A majority of the of

#### CHAPTER XCVI.

An Act to change the name of Isaac Plum Pricket.

[APPROVED DECEMBER 27, 1848.]

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Isaac Plum Pricket, of Huntington county, Indiana, be and the same is hereby changed to that of Isaac Plum; and by the said last mentioned name he shall hereafter be known, and be entitled to all the rights and privileges, and be subject to all the penalties and liabilities he would have been if this act had not passed.

SEC. 3. This act to take effect and be in force from and after

its passage.

#### CHAPTER XCVII.

An Act to amend an act entitled "An act to incorporate the Centreville and Abington Turnpike company," approved February 42, 1848.

(APPROVED DECEMBER 27, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That for the words "McAdamized road," as they occur in the 2d section of said act, the words "gravel turnpike road" be substituted.

Sec. 2. This act to be in force from and after its passage.

#### CHAPTER XCVIII.

An Act to amend an act entitled "An act for the relief of certain persons therein named," approved February 16, 1848.

(APPROVED DECEMBER 27, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the preamble to said act, to which this is an amendment, and the several sections thereof, are hereby so amended that the name of John Aushuty shall be taken and construed to mean John Aushutz, and that the word south shall be taken and construed to mean west, so as to read and mean the west half of the south east quarter of section number twenty-two, in township five, of range twelve east, in the Jeffersonville land district.

Sec. 2. This act to take effect and be in force from and after its

### CHAPTER XCIX.

An Act to vacate a part of the town of Sparta in Noble county.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all the town lots, streets, and alleys, in the town of Sparta, in Noble county, be and the same are hereby vacated, except the lots in said town owned by Judge Blackman, and the street on which the State road from Fort Wayne in Allen county to Goshen in Elkhart county now runs, and that part of the street running eastward from said road, immediately south of said lots, owned by said Blackman, and the alley on the east side of said Blackman's lots, so far as the said street and alley adjoins said lots of said Blackman.

Sec. 2. This act to be in force from and after its passage.

#### CHAPTER C.

An Act to authorize the commissioners of Hamilton, Miami, and Tipton counties, to borrows

#### (APPROVED JANUARY 5, 1849)

Section 1. Be it enacted by the General Assembly of the State of Indiana. That the boards of commissioners of the counties of Ham. ilton, Tipton, and Miami, be, and each of said boards of commissioners are hereby, authorized to borrow money, in any amount not exceeding fifty thousand dollars, from time to time, at any rate of interest not exceeding ten per centum per annum.

SEC. 2. That all persons loaning money to said boards or either of them, are hereby authorized to receive any rate of interest upon such loans as may be agreed upon, not exceeding ten per cent.

Sec. 3. All acts or parts of acts, so far as the same contravene the provisions of this act, are hereby repealed. This act shall bein force from and after its passage.

#### CHAPTER CL.

An Act to prohibit the sale of spirituous liquors in Adams and Fall Creek Townships, in . Madison county, by a less quantity than thirty gallons.

#### (APPROVED JANUARY 17, 1849.)

WHEREAS, More than five hundred citizens of Fall Creek and Adams townships, in Madison county, have, by their petition, prayed the General Assembly to enact a law making it unlawful tovend, sell, barter, or exchange spirituous liquors in said townships in less quantities than thirty gallons:

AND WHEREAS, William Sparks, B. Knowland, John Davis, W. G. Atherton, and 49 other citizens of Anderson township, in said county, have in like manner prayed that the sale of said article shall be forever prohibited in the township last aforesaid in any quantity whatever, and there being no remonstrance to either of said petitions: [Therefore.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be unlawful for any person to sell any spirituous liquors in Adams and Fall Creek townships, in Madison county, by any less quantity than thirty gallons, except for sacramental, medicinal, or mechanical purposes.

Sec. 2. Any person or persons who shall offend against the provisions of this act shall be fined in any sum not less than five nor more than twenty-five dollars by presentment or indictment by the grand jury of Madison county, or be recovered by an action of debt hefore any justice of the peace in said townships.

Sec. 3. That it shall be unlawful for any person to vend, sell, harter, or exchange spirituous liquors in Anderson township, in said county, except for medical, mechanical, and chemical purposes: any person who shall violate the provisions of this act shall be subject to indictment therefor, and on conviction thereof shall be fined

the sum of five dollars.

SEC. 4. All acts and parts of acts contravening the provisions of this act be, and the same are hereby repealed, so far as it relates to the aforementioned townships in Madison county; and this act to be in force from and after its passage.

#### CHAPTER CII.

An Act to authorize Jane Bushnell Jenks to hold and convey real estate.

#### (APPROVED JANUARY 16, 1849.)

WHEREAS, Nathan Jenks and Jane Bushnell Jenks, then residing in the county of Ontario and State of New York, did, on or about the eighth day of September, in the year of our Lord one thousand eight hundred and forty-three, (1843) execute unto Luther Bushnell, of the county of Monroe, and State aforesaid, a deed of trust conveying certain real estate located in the county of Lagrange, and State of Indiana, (for particular description of said real estate, and for the object and purposes of said deed of trust, reference thereunto being had will fully show):

AND WHEREAS, The said Nathan Jenks and Jane Bushnell Jenks his wife, have since the date of said deed removed their residence from the State of New York to the county of Lagrange aforesaid, to occupy, improve, and take care of said real estate, a large portion of which consists of wild and new lands, wholly or nearly unproductive, and subject to taxes that are burdensome, but which real estate is saleable, and may be sold or exchanged for productive property or securities that will net a fair per cent. on the value thereof, and greatly to the benefit and advantage of the heirs of her the said Jane B. Jenks:

And Whereas, No provision is made in the said deed of trust for selling or exchanging any of said real estate, or for dividing it or any portion thereof among her heirs till after the decease of the said Jane B. Jenks:

AND WHEREAS, The said Jane B. Jenks and her heirs (half of whom are of lawful age) and [are] fully competent to manage, take care

of, and divide said real estate: Now therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall and may be lawful for him, the said Luther Bushnell, trustee, aforesaid, to transfer, convey, and set over by deed to the said Jane B. Jenks, and her lawful representatives, by a good, sure, and absolute title, in fee simple, as fully as he the said trustee now holds the same, all the real estate described and set forth in the said deed of trust; and the said Jane B. Jenks shall, and hereby is authorized by this act, to receive the title and hold the real estate aforesaid in her own right, name, and in her own right, free, clear, and discharge from all persons whomsoever, and the same to sell and convey in fee simple by good and sufficient deed or deeds as absolutely (without let or hindrance from her said husband, or any other person) as if she were a feme sole, and all conveyances made by her in conformity to this act shall be as valid in law as if made by a feme sole.

#### CHAPTER CIII.

An Act for the relief of Isaac Hardy and others.

(APPROVED JANUARY 5, 1849.)

Whereas, It is represented to the General Assembly of the State of Indiana, that Alice Heap, late of the county of Franklin, and State of Indiana, recently died in the county of Lancashire, in England, having first, by her will duly executed [and] devised the following real estate, situate in the county of Franklin aforesaid, to-wit: the northeast quarter of section three (3,) township eight (8,) of range one (1) west, to Isaac Hardy, Hannah Hardy, and Sarah Hardy:

AND WHEREAS, On account of said parties not having been citizens of the United States at the time said will was executed, and incapable of holding real estate in consequence thereof, according to the laws of the State of Indiana, and that said land has been

forfeited to the State: In remedy thereof,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all rights of the State of Indiana in and to the said quarter section of land, to-wit: The northeast quarter of section three (3,) township eight (8,) range one west, in Franklin county, and State aforesaid, be and is hereby released to the said Isaac, Hannah, and Sarah Hardy, and that they be and are hereby invested with the full title, in fee simple, to the same, as fully as if the said divisor and devisee had been at the time of making said will, and at the time of the death of said Alice Heap, citizens of the United States.

Sec. 2. This act to take effect and be in force from and after its

passage.

# CHAPTER CIV. 12 and ni traigle to though

Is Shields (Sheets I and William Curry, of Brown township, or the

An Act to ascertain and establish the boundaries of certain roads in the counties of Warren and Montgomery.

#### APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That in all cases where the boards of county commissioners of the counties of Warren and Montgomery, or the Legislature of the State, have heretofore attempted to establish public highways, which is now used and traveled as such, although the same has been informally established and defectively recorded, it shall be lawful for the boards doing county business for said counties to cause the county surveyor of the said counties to survey the said road, and to describe the same by metes and bounds as required by law, and make return of his said survey to the county auditor, who shall record the same.

Sec. 2. From and after the filing of the said survey and description in the office of the county auditor, the said road as surveyed shall be taken and held to be a public highway, any defect or informality in the original establishment or recording thereof to the contrary notwithstanding; and the said road, when not otherwise heretofore ordered by the boards of county commissioners or the Legislature, shall be of the width of forty feet, if the said road be a county road, and if the same be a State road of the width of sixty feet.

Sec. 3. For the service required by this act of the county surveyors, the boards of county commissioners shall make such compensation as may be reasonable and proper, and as far as may [be] in accordance with the the fees established by law for that officer.

Sec. 4. All laws and parts of laws coming within the purview of this act be, and the same is [are] hereby repealed.

Sec. 5. This act to be in force from and after its passage.

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# CHAPTER CV.

An Act to incorporate the Cross Plains and Laughery Turnpike Company.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Abram Hart, Geo. Hunter, Wm. Blackwell, Jas. Enos, Jas. Shields [Sheets,] and William Curry, of Brown township, in the county of Ripley, in the State of Indiana, and their associates and successors be, and they are hereby, constituted a body politic and corporate, under the name of the Cross Plains and Laughery Turnpike Company, and by that name may contract and be contracted with, sue and prosecute and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction, and do and perform all other things lawful for such company to do, and they are hereby invested with all the powers and privileges in anywise necessary and expedient to carry into effect the proper business of the association.

SEC. 2. The capital stock of said company shall consist of fifteen thousand dollars, and said stock shall [be] deemed as personal

property.

Sec. 3. Said stock shall be divided into shares of seventy-five [twenty-five] dollars each, and may be taken by any individual, corporation or company, to be paid for in cash at such time, and in such proportion, and upon such notice as the board of directors

hereinafter provided for may determine.

Sec. 4. Any three of the persons named in the first section of this act shall constitute a quorum for doing business, and so soon as may be by them determined shall, after giving twenty days' public notice of the time and places thereof, proceed to open books for subscription of the capital stock, and to do all other things necessary for the full organization of the company.

SEC. 5. Soon as may be deemed expedient after eight thousand dollars of the capital stock shall have been subscribed, said company shall, by first giving twenty days' notice thereof, appoint some suitable time and place for holding an election for five directors, each of whom shall be a stockholder to the amount of twenty shares, said company shall in all things manage such election and

give proper certificates to those elected, who shall hold their offices for one year, and until their successors are duly elected and quali-

SEC. 6. Be it further enacted, That sections seven, eight, nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one, twenty-two, and twenty-three of an act to authorize a company to construct the Aurora and Laughery Turnpike, approved February 15, 1848, be and the same are hereby incorporated and made a part of this act, and all the rights, privileges, and powers granted to the Aurora and Laughery Turnpike Company in the sections above mentioned, are in all things extended, authorized, and granted to the Cross Plains and Laughery Turnpike Company.

Sec. 7. Said company shall have power to view, mark, locate, and construct a Turnpike road from the mouth of Cæsar's Creek (the termination of the Aurora and Laughery Turnpike) to Cross Plains. And [in] constructing said Turnpike said company may follow such plans, and use such materials, as they may deem most expedient; and if it shall be found necessary, the company shall have the right to locate said Turnpike road upon or along any State

or county road.

Sec. 8. Should the directors of said company desire to connect with the Aurora and Laughery Turnpike Company, and the terms can be agreed upon, then and in that case the directors of the Cross Plains and Laughery Turnpike Company have full right, and the authority is hereby given them to sell and transfer to the Aurora and Laughery Turnpike Company the right of way or the road, all the materials belonging to said company, as also the right to transfer the stock, and the same shall be as binding upon the subscribers after the transfer as before; and [in] the event of sale, conveyance, and transfer as aforesaid, then the rights, privileges, and powers of the Aurora and Laughery Turnpike Company shall be, and the same are are hereby extended on said road, and they shall have the same rights on the [that] part of said road from the mouth of Cæsar's Creek to Cross Plains that they now have or of right may have on the road from the mouth of Cæsar's Creek to Aurora.

SEC. 9. The president and directors of said company shall be liable in their individual capacity for all debts contracted in the prosecutions of said work beyond the amount of stock secured to the corporation. And the Legislature reserves the right to alter, amend, or repeal this charter when any of its privileges shall be violated by said company.

SEC. 10. This act is hereby declared to be a public act. This

act to be in force from and after its passage.

# GHAPTER CVI.

An act to authorize a company to construct the Milton and Aurora Turnpike.

# [APPROVED JANUARY 11, 1849.1

Section 1. Be it enacted by the General Assembly of the State of Indiana, That George Greer, Ingoles Butterfield, Martin Trister. John McConnell, Hamilton Conway, William Sawdon, John Tuffts, jr., Jesse Wilson, Lynch Pate, and Wilkinson Smith, of Dearborn county, and Moses Turner, of Ohio county, and their associates and successors, be and they are hereby constitute a body politic and corporate under the name of the "Milton and Aurora Turnpike Company," and by that name may contract and be contracted with, sue and prosecute and be sued and prosecuted to a final judgment and execution in all courts having competent jurisdiction, and do and perform all other things lawful for such company to do, and they are hereby invested with all the powers and privileges in any wise necessary and expedient to carry into effect the proper business of the association.

Sec. 2. The capital stock of said company shall consist of the sum of thirty thousand dollars, and said stock shall be deemed per-

sonal property.

Sec. 3. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, company, township, or county, to be paid in cash, labor, or any kind of property real or personal, that may be agreed upon, and in such way and manner and at such times and places as shall be prescribed by the company.

Sec. 4. Any five of the persons named in the first section of this act shall constitute a quorum for doing business, and so soon as may be by them determined shall after giving twenty days' public notice of the time and place thereof proceed to open books for subscription to the capital stock, and to do all other things necessary

for the full organization of the company.

Sec. 5. In case a quorum shall fail to attend at the time and place agreed upon, those attending may either adjourn to another day or they may consider the station of the absentees or any of them as vacated, and appoint some other proper person or persons to fill the same.

Sec. 6. So soon as may be deemed expedient, after one thousand dollars of the capital stock shall have been subscribed, said commissioners shall, by giving twenty days' public notice thereof, appoint some suitable time and place for holding an election for seven directors, each of whom shall be a stockholder to the amount of at least two shares, said commissioners shall in all things manage such election and give proper certificates to those elected who shalls

shall have the right to lay the same along and upon any State of hold their offices for one year and until their successors are duly elected and qualified.

SEC. 7. At said election and at each subsequent election each stockholder shall have one vote for each share and each stockholder

may vote in person or by proxy given in writing.

SEC. 8. The time, place, and manner of holding all subsequent elections of directors shall be regulated by the by-laws of the company, except the election shall be annually as near as may be.

Sec. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company, said directors shall choose a president, secretary, and treasurer from their own body, and this mode of organization and qualification shall be observed and continued by each subsequent board of directors and a majority of said directors shall constitute a quorum to do business and supply any vacancies that may occur in their own body.

Sec. 10. Said company may adopt such rules and regulations, and make such by-laws, as in their judgment the business and affairs of the company require, and such as are expedient to perform

the duties and carry out the powers vested by this act.

SEC. 11. They shall have power to appoint all needful officers, agents, and operatives, and require them or any of them to give such

bonds as may be deemed necessary.

SEC. 12. To enforce the payment of all stock subscriptions at such time and places and in such proportions as may be directed, which payment may be enforced by forfeiture of the stock to the company, together with any payment made thereon, or by suit.

SEC. 13. To issue certificates of stock and to regulate the mode

of transfering the same.

SEC. 14. To acquire, lease, sell, and dispose of such real estate

as may be expedient for the interest of the company. SEC. 15. To enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages and to keep the same in repair, being accountable to the owners of land and materials for the reasonable value thereof.

SEC. 16. To erect, continue, and keep toll gates, and to establish,

charge, and collect tolls of all persons using said road.

SEC. 17. To make and declare dividends of the profits to the holders of the stock, and to do all other things proper to carry out

the intent and meaning of this act.

SEC. 18. Said company shall have power to view, make, locate, and construct a turnpike road from Milton, in Ohio county, to intersect the Aurora and Laughery turnpike road at the farm of George W. Cochran, in Dearborn county, and in constructing said turnpike may follow such plans and use such materials as they may deem most expedient, and if it shall be found necessary and advantageous to the location and construction of said turnpike road the company

shall have the right to lay the same along and upon any State or

county road.

Sec. 19. That in all cases when any person through whose land said road may run shall refuse to relinquish his land, or permit the company to occupy the same, or when a contract with the parties cannot be made, it shall be lawful for the company to give notice to some justice of the peace in the township where such circumstances may exist or occur, and such justice shall thereupon summon the owner of the land to appear before him on a certain day within ten days' thereafter, and shall call before him a jury of six disinterested men of the neighborhood, or such number as may be agreed upon by the parties, who shall, after having taken an oath. faithfully and impartially to assess the damages if any, view the land and materials, and after taking into consideration the advantages and disadvantages the road may be to the same, shall report thereon whether such person is entitled to damages or not, and if any, what amount, and file such report with such justice, whereupon such justice shall enter judgment thereon, unless for good cause shown, or unless the damages shall exceed the sum of one hundred dollars; [if the damage exceeds the sum of one hundred dollars] it shall be the duty of such justice to file the same properly certified in the circuit court of the proper county, and judgment shall be had thereon in the same manner as judgments are had upon appeals, from justices of the peace, and in case either party can show good cause why the justice should grant a review, he shall order the same to be reviewed either with or without costs; either party may appeal to the circuit court of the proper county as in other cases, and the case there tried de novo and final judgment rendered, and such court shall appoint reviewers who may report at that or the succeeding term, until which report judgment shall not be rendered.

Sec. 20. So soon as said jury mentioned in the foregoing section shall have appraised any damages and reported the same to the proper justice of the peace, it may be lawful for said company to file with the Clerk of the Dearborn circuit court a bond with sufficient freehold security, to be approved by the said Clerk, for at least three times the amount of damages so assessed, then said company shall be fully authorized to open and construct said road without delay or reference to any appeal that may be taken by either party.

SEC. 21. The following shall be the rates of toll for each and every ten miles of said road, and in the same proportion for a greater or less distance, to-wit: For every four wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, not exceeding fifteen cents; for every horse or other animal in addition five cents; for every cart, chaise, or other two wheeled carriage, drawn by one horse, ten cents; for every horse or other animal in addition, five cents; for every sled or sleigh, drawn by one horse or other animal, five cents; for every other horse or other animal in addition, five cents; for every coach, chariot, or other four wheeled pleasure carriage, drawn by one horse or other animal, not exceeding fifteen cents; for every

horse or other animal in addition, five cents; for every horse and rider, five cents; for every horse, mule, or ass, six months old and upwards, lead or driven, not exceeding three cents; for every head of neat cattle, six months old and upwards, not exceeding two cents; and each hog or sheep, one cent.

SEC. 22. If any person or persons using any part of said road, shall, with intent to defraud said company, pass through any private gate or bars, or along any other grounds near said road, or shall use any fraudulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to said company the sum of five dollars, without stay of execution, to be recovered in an action of debt at the suit of the company before any justice of the peace of the proper county: Provided, That nothing in this act shall be so construed as to prevent persons residing on or near said road, from passing thereon, about their premises between the gates, for a common and every day business.

Sac. 23. The board of directors of said company or any agent of them, by them legally authorized, shall have power to negotiate any loan, that may be by said company deemed expedient, for carrying out any or all the objects contemplated by this act, and for the payment of such loans, agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which when signed by the president and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company, in the order of their issue, and all the effects of said company both real and personal shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ulti-

mate redemption of the principal.

Sec. 24. The board of directors of said company are hereby made responsible in the individual capacity, for all debts, above the solvent stock, contracted in the prosecution of said road.

SEC. 25. When said road is located and the directors decide to commence the work on said road, they shall commence at the east

end thereof and proceed westwardly.

Sec. 26. This act is hereby declared to be a public act, and to be in force from and after its passage. And the Legislature hereby. reserves the right to alter, amend, or repeal this charter on the violation by said company of its provisions.

Rush, and State of Indiana, is bereby outhorized and

#### CHAPTER CVII.

An Act to change the name of Andrew Turner, alias John Turner, to that of John Anderson Barnes.

#### [APPROVED JANUARY 5, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Andrew Turner, alias John Turner, of Jennings county, Indiana, be and the same is hereby changed to that of John Anderson Barnes, by which name he shall be known and recognized, and enjoy all the rights and privileges both in law and equity to which in any way he would otherwise be entitled.

SEC. 2. This act to be in force from and after its passage.

# CHAPTER CVIII.

An Act to amend an act providing for the appointment of Supervisors of highways in the counties of Decatur, Jefferson, and Spencer, approved December 26, 1844.

#### [APPROVED DECEMBER 27, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter the qualified voters in each township in Decatur county shall elect a suitable number of supervisors of highways, who shall be governed in all respects by the general law upon that subject. All laws conflicting with the provisions of this act are hereby repealed.

SEC. 2. This act shall be in force from and after its publication.

#### CHAPTER CIX.

An Act for the relief of Alvin N. Blacklidge, and the heirs of Robert Thompson, deceased.

#### (APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the clerk of the Rush Circuit Court in the county of Rush, and State of Indiana, is hereby authorized and directed (on

the filing of the proper precipe) to issue fee bills for all the costs that may be due the said Alvin N. Blacklidge, and the heirs of the said Robert Thompson, deceased, on all judgments, orders, and decrees, either in the Rush Circuit or Probate courts of said county of Rush, without having said judgments, orders, or decrees revived by scire facias.

Sec. 2. All laws and parts of laws contravening the provisions

of this act, be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its publication.

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me nearest the place, where said property, or any part

#### CHAPTER CX. where of definition los

An Act to vacate a part of a certain road in the county of Dearborn.

[APPROVED JANUARY 11, 1849.]

Whereas by an act of the General Assembly of the State of Indiana, approved February 15, 1848, authority was given to the Aurora and Laughery turnpike company to locate said turnpike along or upon any State or county road:

And Whereas, upon surveying and locating said turnpike road, it was ascertained that a better route could be obtained by aband-

oning in some places the old, or State road; therefore

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all that part of the old State road from Aurora in Dearborn county, up the valley of Hogan creek, to the mouth of Farrah's branch, via Dillsborough, to the mouth of Casler's creek, in Ripley county, not used or occupied by the Aurora and Loughery turnpike company shall, after the completion of said turnpike road be, and the same is hereby vacated.

Sec. 2. This act to be in force from and after its passage.

#### CHAPTER CXI.

An Act to amend an act entitled, "an act relative to high waters in Jackson county," approved February 16th, 1848.

### [APPROVED JANUARY 1, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiaua, That the above named act be so amended that if the owner or person living upon the land or premises where such property has lodged, refuses to select an arbitrator as contemplated in the first section of the above named act, that the person claiming the property, or any part thereof, may go before a justice of the peace living nearest the place, where said property, or any part thereof has lodged, and make oath to that effect, whereupon it shall be the duty of said justice to select an arbitrator, whose action shall be as decisive as if selected by the owner or person living on the land.

Sec. 2. That nothing in this act shall be so construed as to prevent the parties from taking an appeal, if dissatisfied with the decision of the arbitrator.

Sec. 3. This act to be in force and take effect from and after its passage.

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An Act to amend an act entitled, "an act to incorporate the Knightstown and Shelbyville-Railread Company," approved January 19, 1846.

### SYSSESSED STREET, (APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of enabling the corporation to complete said road, it shall be lawful for them to receive subscriptions of stock in money, land, labor, materials, and choses in action, or either of them, at the option of the board of directors, in such manner, and proportions, and under such regulations, as the said board may determine, and when so received to dispose of the same, upon such terms as the said board may from time to time enact and determine, and when so disposed of to make, seal, execute, and deliver all

proper deeds of conveyance, transfers, and assignments, to the purchaser or assignee thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

# should in a manner and CHAPTER CXIII.

ans beretofore passed, and sun in effect, it was required that the

three per cent funds, the common school funds, and the surplus

An Act authorizing the recorders of Franklin, Switzerland, and Knox counties to make out a general index.

# (APPROVED JANUARY 12, 1849.) Our and In belief

Whereas, It is represented to the General Assembly of the State of Indiana, that the county records in the counties of Franklin, and Switzerland, and Knox are becoming defaced by long usage in tracing titles, and from other causes:

AND WHEREAS, It is further represented that one general index for each of said counties would tend to preserve the county records, and facilitate the tracing of titles, &c. In remedy whereof

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the county recorders of the counties of Franklin, Switzerland, and Knox, be and they are hereby authorized to make out one general index to all the county records of said counties, with such notes and references as will facilitate the tracing of titles and other instruments of writing, that have been matters of county record, and record in the same books a plat of all town lots hereafter filed for record, and the county boards of said counties shall allow said recorders such compensation as they shall deem reasonable and just: Provided however, That it shall be optional with the county commissioners of said counties, whether said recorders shall make out said general index.

Sec. 2. The commissioners of the said counties of Franklin, Switzerland, and Knox, may if they deem it expedient, order the county recorders to procure seals for the use of their offices, and as full faith and credit shall be given to such seals as to the seal of any office in the State of Indiana.

Sec. 3. All acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed, so far as the counties of Franklin, and Switzerland, and Knox may be concerned.

Sec. 4. This act to take effect and be in force from and after its passage.

#### CHAPTER CXIV.

An Act relative to School Funds in the county of Clark.

#### (APPROVED JANUARY 13, 1849.)

Whereas, By an act of the General Assembly of the State of Indiana heretofore passed, and still in effect, it was required that the three per cent funds, the common school funds, and the surplus revenue funds belonging to the different counties of said State, should in a manner and at a time pointed out by said law, be transfered to the County Treasurers of the said counties respectively;

And Whereas, The School Commissioners and the agent for loaning the surplus revenue of the county of Clark in said State, have failed at the proper time so to transfer said funds, but have continued ever since to exercise the duties of said offices; therefore.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the official acts and doings of the persons holding said offices in said county, be and the same are hereby declared to be legal, and that all bonds, notes, mortgages, or other securities taken by them, shall have the same binding, force, and effect, as if they had been at the time of taking the same, legally empowered to take the same.

SEC. 2. That it shall be the duty of the Auditor of said county to notify the persons acting as School Commissioner, and surplus revenue agent of said county, to appear at some term of the Board of County Commissioners for said county, to be by him designated in such notice, then and there to settle up their accounts and transfer said funds to the County Treasurer, in manner and form pointed out by the law above referred to.

Sec. 3. That it shall be the duty of the persons having the custody of said funds in said county, to appear at the time and place in said [notice] named, and settle up their accounts with said Board of Commissioners, and forthwith pay over all monies and transfer all papers in their hands belonging to said funds, to the County Treasurer of said county, and for any deficiency in said settlement, or any failnre so to appear and settle, or to pay over or account for the funds in their hands, they shall be respectively liable to an action in the name of the Board of Commissioners of said county.

Sec. 4. In all cases after such transfer, when it may be necessary to bring suit upon any of the securities so transfered to said County Treasurer, such suit may be brought in the name of the County Treasurer of the county of Clark.

Sec. 5. Nothing in this act shall operate or be construed to release said Agent and his security from any liability heretofore incurred on the bond of said Agent.

Sec. 6. This act to be in force from and after its passage.

#### CHAPTER CXV.

An Act to amend an act entitled "an act to incorporate the town of New Castle in the county of Henry," approved February 6, 1839.

#### (APPROVED JANUARY 1, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That on the first Monday in April next, and annually thereafter, the qualified voters of the said town, including those who may reside without the corporate limits thereof, but who may be attached thereto for road purposes as herein after provided, shall choose a mayor and four councilmen, to be known and styled the mayor and councilmen of the town of New Castle, and shall be in all things the successors of the now existing "president and trustees," and by that name shall have perpetual succession with all the powers, incidents, and duties, pertaining to a corporation.

SEC. 2. The inspector and judges of Henry township shall conduct said election in the same manner that elections for township officers are now conducted, and shall issue a certificate of election to the person having the highest number of votes for mayor, and shall likewise issue certificates to the four persons having the highest number of votes for councilmen, who after having been duly sworn or affirmed, shall serve as such until their successors are duly

elected and qualified.

SEC. 3. The mayor and councilmen shall have power, annually before the first Monday in June of each year, to assess a tax on real estate, not exceeding one half of one per cent. on its valuation, a poll tax not exceeding fifty cents on each qualified voter, a tax on the owner of each dog not exceeding one dollar, and a tax on each merchant for the privilege of vending merchandize within the limits of said corporation, of not more than two dollars and fifty cents, and it is hereby made the duty of the clerk of said corporation, to deliver to the County Auditor of Henry county, a certified copy of the order of said board levying said tax on real estate; and said Auditor shall thereupon enter upon his duplicate for the current year, in an appropriate column, the amount of tax assessed to each individual owner of property, estimated by him according to the latest appraisement on file in his office, made and returned by the County Assessor, and shall as now required by law, deliver said duplicate to the Treasurer of Henry county, who is hereby constituted the collector of said corporation, under the same regulations and liabilities as are now required of him in the collection of the State and county revenue, and when collected, the money shall be by said Treasurer paid over to the Treasurer of said corporation, who shall give him a quietus therefor, and the lien for taxes shall attach, and sales of delinquent lands and town lots be made in the same manner and at the same time as is now provided by law, or may be

hereafter enacted for State and county purposes.

SEC. 4. The mayor shall enter into bond with good securities, to the acceptance of the council, in the sum of five hundred dollars, payable to the State of Indiana, conditioned for the faithful performance of his duties, and shall and he is hereby vested with all the powers of a justice of the peace, both in civil and criminal cases, and shall in the discharge of his duties be governed by the laws of this State regulating the duties of justices of the peace; and the said mayor shall preside at all meetings of the councilmen, sign all laws and ordinances passed for the government of said town, and enforce the same, and in case of an equal division on any question give the casting vote.

Sec. 5. There shall annually be elected by the qualified electors of said township, a constable, who shall reside within the limits of said corporation, whose duty it shall be in addition to his other duties as constable of said township, to execute all warrants and process which may be delivered to him by the mayor of said town, under the same liabilities as are now required by law regulating the

duties of constables.

Sec. 6. In working the roads and streets according to the provisions of the act to which this is amendatory, the supervisor of said town shall have power to call on all persons liable to perform labor residing within one quarter of a mile from the limits of said town, and the said persons so called upon shall be exempt from the performance of labor on the highway under the direction of any other person whatseever.

Sec. 7. The mayor and councilmen of said corporation shall hold stated meetings on the last Saturday of every month, at such hours and place within said town, as they shall from time to time designate and appoint, any three of whom shall constitute a quorum to do business; and the mayor may likewise call special meetings, and absent members shall be compelled to attend under such regulations as may be prescribed by said council for that purpose.

SEC. 8. This act as well as the one to which it is amendatory, shall be deemed and taken to be a public act, and shall be favorably construed for all beneficial purposes, and shall take effect and be in force from and after its passage; and all laws coming in conflict with the provisions of the act in relation to said town are hereby repealed, but such as are in accordance with it shall be continued in full force.

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# CHAPTER CXVI. 1 103 and nogu spores

An Act relating to the Baptist Education Society for Indiana.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the act entitled "an act to incorporate the Indiana Baptist Education Society," and the "Indiana Baptist Manual Labor Institute," approved January 30th, 1836, and acts in addition and amendatory thereto, be and the same are reduced into this one act, as follows, to-wit: That the present board of trustees of the Education Society, as elected by the directors of said Society, on the 30th of September, 1848, and their associates, to-wit: Jesse D. Bright, S. G. Minor, W. W. Wick, Z. Tannehill, W. Brand, Wm. Rees, E. D. Owen, T. R. Cressey, E. T. French, H. Bradley, D. Wilber, C. A. Whipple, Jacob Sibert, J. Cowin, J. French, I. Berry, J. F. Peggs, J. Williams, I. French, B. Ruse, S. Lambertson, A. Compton, R. Grubbs, I. B. Whipple, Geo. Chandler, B. B. Arnold, A. Hastings, M. Stapp, W. I. Robinson, H. Brady, D. Monfort, J. Cooper, A. Bland, J. D. Crabb, J. R. Osgood, and C. W. Crawford, and their successors in office, be, and they are hereby made and constituted a body corporate and politic, by the name, style, and title of the "Baptist Education Society" for Indiana, and by that name to be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any of the courts whatsoever.

Sec. 2. That said corporation may make and use a corporate seal, and the same alter at pleasure, or they may transact their business and make contracts through their President, without the use of a seal. They shall have power to accept devises, bequests, or donations, either in property or money, and dispose of the same for educational purposes. They shall have power to purchase lands on which to erect buildings for purposes above proposed; Provided, That they shall not hold real estate more than one year at a time which is worth more than ten thousand dollars, exclusive of im-

provements.

Sec. 3. That said corporation shall have power over the college buildings at Franklin, Johnson county, and all the property and effects of the present Education Society or Institute, and the same to dispose of at pleasure, either to pay debts or otherwise, and to purchase other grounds either in or near Franklin, or at any other place in the State of Indiana that said corporation may select, and erect thereon college buildings, and furnish the same, *Provided*, Nothing in this act contained shall be taken or construed to effect the legal or equitable reversionary rights if any, of any of the claims to the said Franklin College, nor in case of sale or transfer thereof to ef-

fect or discharge the legal or equitable lien, if any, of any person or persons upon the real estate and college edifice of the said Franklin.

SEC. 4. That said corporation shall make their own by-laws, rules, and regulations, with regard to their college, admitting members to their society, and all other things needful for the furtherance of the objects of the society, and the same to alter, repeal, and reenact at pleasure, provided the same is not inconsistent with the laws of this State.

Sec. 5. The said corporation shall have full and complete collegiate powers, and shall appoint a president, professors, and tutors of said college, suited to all departments, if thought necessary, from a preparatory department, to that of a full college course, and president, professors, and tutors of said college shall constitute the "faculty" thereof, and shall have power of granting and conferring by and with the approbation of the directors hereinafter created, such degrees in the liberal arts and sciences as are usually granted and conferred in other colleges in the United States, to the students of their college, or to others who by their proficiency in learning or other meritorious distinction may be entitled to the same, and to grant unto such graduates diplomas or certificates under their common seal or otherwise signed by the faculty or president thereof, to authenticate and perpetuate the ceremony of such graduation.

Sec. 6. That said corporation shall receive into their society, all persons now authorized or which may hereafter be authorized by their by-laws, to be members thereof, and the society shall meet once in each year to consult as a society, for the common good and to select their officers, which shall consist of a president, two vice presidents, a secretary, and treasurer, with thirty other persons who together with the officers above described, shall constitute the directory of said education society, five of whom shall be a quorum to transact the business of the society; *Provided*, that members of the present society for life, shall continue members of this society.

Sec. 7. That at the next annual meeting of the said society the seats of the first twelve trustees named in this act shall be vacated, and ten of their vacancies filled by the society, and so at the annual meeting of said society in 1850, the next twelve shall be vacated, and ten of their seats filled as aforesaid; and at their annual meeting in 1851, the seats of the other twelve trustees shall be vacated and filled as aforesaid, so that ten persons shall be appointed directors each year for three years, and each director then appointed shall hold his office for three years: *Provided*, That if vacancies happen with the directors in the educational year, they shall be filled by the remaining directors, elected as aforesaid, or a quorum thereof, so as to make the whole number of directors exclusive of the president, vice presidents, secretary and treasurer, thirty persons.

SEC. 8. That the board of trustees under the original act, shall be the board of directors under this act, and that the president,

secretary and treasurer of the board of trustees be and they are hereby constituted the president, secretary, and treasurer of the board of directors and of the society, and such president, vice presidents, secretary and treasurer, as shall be elected from year to year, shall be the officers of the board of directors, and shall act as such at all meetings, and the annual meetings shall be conducted under the direction of said officers and directors, and the corporation shall fix by by-laws, the manner of holding said annual meetings, and the power that each member shall possess in the transaction of their business at such annual meeting.

Sec. 9. That the said directors shall have power to make bylaws so as to direct the time and manner of making reports, and to whom they shall be made and how published.

#### CHAPTER CXVII.

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An Act to incorporate the Madison County Hydraulic and Manufacturing Company.

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John Davis, Esq., William Young, Brazelton Noland, Alfred Makepeace and John Hunt, be and are hereby appointed commissioners to open books at suitable places in the State of Indiana and elsewhere, for subscription to the capital stock of a company to be called the "Madison County Hydraulic and Manufacturing Company," at any time within three years from the passage of this act: Provided, Said commissioners, or a majority, shall give three weeks notice of the time and places of opening said books by printed notices in three or more of the most public places in the county.

Sec. 2. The capital stock of said company shall be fifty thousand dollars, which may be increased at the pleasure of said company from time to time, as the interests of the company may demand: *Provided*, however, That it shall not be increased in amount

over two hundred thousand dollars.

Sec. 3. That the stock of said company may consist of money, labor, and materials for the construction of said Hydraulic Canal, and when five thousand dollars shall have been subscribed, and the sum of five hundred dollars shall have been paid to said commissioners, it shall be their duty to order an election for directors at such time and place as they may designate, giving twenty days notice of the same.

Sec. 4. Said board of directors shall be seven in number, one of whom shall be chosen as president of said board, and five constitute a quorum to do business in the absence of the others, and the acts of a majority so assembled shall be binding on said company. All vacancies occurring in said board shall be filled by a majority of said board, who shall serve until a new board shall be chosen and qualified: *Provided*, however, That no person shall be eligible to hold the office of director who is not a stockholder in said company.

Sec. 5. Said board of directors shall, at their first or some subsequent meeting, at an early day, fix the time for the next annual election of directors, not more than one year from the time of said meeting, and all subsequent elections for directors shall be held annually thereafter, by giving one month's notice by publication in one or more newspapers published in the county, or by public notice by printed handbills posted up in six or more of the most public places in said county, each board of directors holding their offices for one year and until their successors shall have been elected and qualified; said board prescribing the manner in which such election shall be conducted, and in case any annual election shall not be held for directors on the day fixed for holding the annual election, it shall be held at some early day thereafter, to be fixed and approved by the directors then in office giving the same notice thereof as required to be given for elections regularly held.

Sec. 6. The said directors when elected and their successors in office are hereby constituted a body corporate and politic, by the name and style of the "Madison County Hydraulic and Manufacturing Company," and by such name may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction within this State, and may make or adopt a common seal, and the same may alter at pleasure, and all bonds, bills, or other contracts entered into by said company, signed by their president, and attested by their secretary,

shall be binding on said company.

Sec. 7. The aforementioned commissioners, as soon as the first board of directors shall have been organized, or within ten days thereafter, shall deliver over to said board the subscription books of stock, and shall pay over to the order of said board, all moneys or property received by them on such subscription, and in case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have wilfully used, destroyed, or concealed any of said books, with intent to defraud said company, or any stockholder or stockholders thereof, such commissioner or commissioners so offending, shall, upon conviction thereof, by presentment or indictment, be fined in any sum not exceeding twice the sum so used, and be imprisoned in the State prison for any term of time not exceeding two nor less than one year.

Sec. 8. It shall be the duty of the board of directors to appoint a treasurer and secretary, and shall have power to fill all vacancies

in the office of president, secretary, and treasurer of said company, to meet from time to time as often as may be thought expedient, to adjourn from time to time as may be thought necessary, to adopt and establish such rules and regulations, and make such by-laws as in their judgment the business of the company may require, and necessary for the better organization of the company, and enable them to do and perform their duties, and carry into effect the powers of this act.

Sec. 9. The board of directors shall be hereby empowered to appoint all subordinate officers, agents, engineers, artists, and workmen, that may be necessary to carry out the objects of said company, to demand at such time and in such proportion as they shall see fit, the sums of money due by stockholders on their respective money subscriptions, under pain of forfeiture to the company of the shares of stock and all previous payments thereon, or such other penalties as may be prescribed by the by-laws of said company or to sue therefor, and recover the amount due in an action of debt or assumpsit in any court of competent jurisdiction: Provided, That not more than twenty-five per cent. upon each share annually, be required to be paid; to issue certificates of stock to the stockholders, making the same transferrable under such restrictions as they may deem proper; to fix compensations and prescribe the duties of the several officers and agents in the employ of said company; to require such bonds, obligations and securities from the treasurer, secretary and other officers as may be deemed necessary; to open and keep open books as long as may be required for the subscription of stock in said company; to acquire, purchase, sell, lease, and dispose of real estate for the use of the company for the purposes hereinafter described; to enter upon and take possession of any land which may be necessary for the construction and completion of such canal, and make the same available, erect mills and manufacturing establishments and the purchase of machinery, and the prosecution of any manufacturing business.

Sec. 10. Said company shall have power to erect a dam across White river, to cut races or canals, to conduct the water to their mills and machinery, and have the right of way and water.

Sec. 11. That so much of the lateral cut of the northern division of the Central Canal known and described as the Andersontown or Muncie feeder, for the purpose of feeding so much of said canal described as the Pipe creek summit, lying between Andersontown and the Mississinewa, with the materials, such as stone and timber along said feeder, and the foundation of the dam for said feeder constructed or laid in White river, and all other such fixtures appertaining to such feeder, and also all stone along said Central canal in Madison county, are hereby relinquished by the State of Indiana to said company, for their use and benefit, together with all such right of way as the State may have obtained for the construction of such portion of said canal: Provided, however, That at any time hereafter said State may complete said Central canal from In-

dianapolis to or above said feeder. Said State may appropriate so much of the water of said Hydraulic canal as may be necessary to feed said Central canal, by paying to said company herein incorporated, the amount of costs expended in the construction and repairs of said canal, with six per cent. interest thereon, and furnish to said company all waste or surplus water at such price as may be agreed upon by said State and company.

Sec. 12. That two appraisers be appointed, one by the State of Indiana and one by the board of directors of said company, whose duty it shall be to appraise and estimate the present value of the materials, as stone, timber, and the work done upon said feeder; provided, in case of disagreement between said appraisers, they may choose a third, whose decision or agreement shall be final, and the said company upon the estimated value of said work and materials, &c., pay six per cent. per annum to the State of Indiana. commencing from and after the completion of said canal, and after the water and privilege hereinbefore mentioned are available to the said company: Provided, That at any time within twenty years after the completion as aforesaid, said company may, by paying to the State of Indiana the estimated value fixed by the appraisers provided in this section, she shall release and relinquish all her right and interest in the same to said company to hold to them and their successors forever.

SEC. 13. That an act entitled an act approved February 16, 1848, authorizing Albert A. Siddall to sell certain stone in Madison

county, be and the same is hereby repealed.

Sec. 14. The president and directors shall be individually liable for all debts contracted in the prosecution of the works contemplated in said charter, over and above the solvent stock secured to said company; and the Legislature reserves the right to alter, amend, or repeal this charter when any of its privileges shall be violated by said company.

Sec. 15. This act shall take effect from and after its passage,

and deemed a public act, and [shall] be liberally construed.

#### CHAPTER CXVIII.

An act to amend an act to authorize a company to construct the Aurora and Laughery Turnpike, approved February 15, 1848.

(APPROVED DECEMBER 27, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the directors of the Aurora and Laughery Turnpike

Company have full right and authority to locate said road up the valley of Hogan creek, via the mouth of Farrah's branch in Laughery township; and the orders of said directors in locating said road up the valley of said Hogan creek, are declared to be in all things confirmed and legalized.

Sec. 2. Be it further enacted, That the act to authorize a company to construct the Aurora and Laughery turnpike, is amended and altered by striking out the words "George Randall's farm," in

the tenth and twentieth sections of said act.

Sec. 3. This act to take effect to be in force from and after its

derit of the Morgan circuit court to exact the came notice

to be given as in olders of vacanties,

# CHAPTER CXIX.

An act relating to certain officers in the county of Dearborn.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That in the county of Dearborn the clerk of the circuit court shall not be entitled to any pay out of the county treasury for extra services.

SEC. 2. The board of commissioners for the country of Dearborn, shall make allowance to the clerk of said county for all sums by him paid out for record book, stationary, and other articles and things necessary for said office, upon said clerk's filing with said

boards the vouchers of said payments.

Sec. 3. That no law now in force shall be so construed or understood, as to authorize the clerk or sheriff in said county of Dearborn to charge or receive from the county treasury pay for his or their fees or costs in State cases, where the State fails to sustain the indictment, or for issuing subpæna for witnesses to appear before the grand jury.

Sec. 4. That during the first two weeks of the sitting of the circuit court in the county of Dearborn, the Sheriff thereof shall have the right to employ not more than six bailiffs or assistants at the expense of the county, and thereafter not to exceed three; and the judges of the circuit court, or a majority of them shall make a reasonable allowance to the persons so employed, and [which] shall be paid out of the county treasury.

Sec. 5. All acts and parts of acts contravening the provisions of this act be and the same are hereby repealed, so far as the county

of Dearborn is concerned.

Sec. 6. This act to take effect and be in force from and after its passage.

company have full right and authories to locate said road up the

tablished the same: Provided, however, That the said commis-

# CHAPTER CXX.

An act authorizing the election of an additional Justice of the Peace in Adams township in Morgan county.

# [APPROVED JANUARY 5, 1849]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of Adams township in Morgan county are hereby authorized to elect an additional justice of the peace for said township, to reside between Mud creek and the "lake" in said township; and it is hereby made the duty of the clerk of the Morgan circuit court, to cause the same notice of such election to be given as in cases of vacancies.

Sec. 2. This act to be in force from and after its passage; and it is hereby made the duty of the Secretary of State to transmit a certified copy of this act to the clerk of the Morgan circuit court.

#### CHAPTER CXXI.

An act to repeal so much of section 54, chapter 12, of the Revised Statutes of 1843, as requires the County Treasurer to attend at the places of holding elections in each township, for the purpose of collecting taxes, so far as relates to several counties therein named.

#### (APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of section fifty-four, chapter twelve, of the Revised Statutes of 1843, as requires the county treasurers to attend at the places of holding elections in each township for the purpose of collecting taxes, be and the same is hereby repealed, so far as the same relates to the counties of Allen, Henry, Jefferson, White, Tippecanoe, Laporte, Cass, Carroll, Clinton and Fountain; Provided, however, That it shall be the duty of the county treasurers of said counties, to attend in the several townships as provided in said 54th section of chapter 12 of the Revised Statutes of 1843, if the several boards doing county business in said counties shall so direct.

Sec. 2. This act to take effect and be in force from and after its passage.

# sioners may adropre tom time to time, so as the said road shall he said reads in a CHAPTER CXXII.

An act for the relief of certain land owners within the corporate the limits of the city of Rising Sun in Ohio county.

#### (APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall not be lawful for the corporate authorities of the city of Rising Sun in Ohio county, to levy or collect any tax or taxes of any sort or kind for corporation purposes on any real estate which is not within the limits of the lots, streets, and alleys of the city proper; but that all such real estate lying without the limits of the recorded plat or plats of the lots, streets, and alleys of said city of Rising Sun proper, shall be exempt and free from any and all manner of taxation for corporation purposes, by any of the corporate authorities of said city of Rising Sun.

Sec. 2. This act to be in force from and after its passage.

# CHAPTER CXXIII.

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An act to locate a State road from Fairfax in Monroe county, to Finley's Mills in Jackson County.

#### [APPROVED JANUARY 5, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Peter Norman of Monroe county, Joseph Henderson of Lawrence county, and Enoch Sexton of Brown county, be and they are hereby appointed commissioners, and authorized and empowered to survey, locate, and establish a State road from Fairfax in Monroe, thence on the nearest and best route to interesect the State road at Finley's mills, running from Hiltonsville in Lawrence county, to Columbus in Bartholomew county.

SEC. 2. It shall be the duty of said commissioners or a majority of them, to meet at a point selected by a majority of them, on or before the first Monday in September next, and after having been duly sworn or affirmed by some officer, in one of the above named counties authorized to administer oaths well and faithfully to discharge their duty as commissioners, which oath or affirmation shall be filed in the office of the clerk of Monroe county, to proceed to survey the said road by the nearest and best route, and locate and es-

tablished the same; Provided, however, That the said commissioners may adjourn from time to time, so as the said road shall be surveyed, located, and established on or before the first Monday in December next.

Sec. 3. All the provisions of article one, chapter sixteen, of the Revised Statutes of 1843, when not contrary to the provisions herein, shall apply to this act.

Sec. 4. This act to be in force and take effect from and after its

passage.

# CHAPTER CXXIV. oggg nag gallen og som og stor for the som og som

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An Act for the relief of Aaron Wheeler of Laporte county.

(APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the county Auditor of Laporte county, to audit and draw his warrant on the Treasurer of said county in favor of Aaron Wheeler for such amount of money as has been paid by the said Wheeler for taxes of every discription, on the south-east fractional quarter of section No. 27, and the west half of the south-west quarter of section No. 26, in township No. 37, north of range No. 3 west, since the first day of January, A. D., 1841, up to the time the said Aaron Wheeler purchased the same of the State.

SEC. 2. The said county Auditor shall certify to the Auditor of State, the amount of such taxes so paid by said Wheeler, that were paid into the State Treasury, and it shall be the duty of the said Auditor of State, in his annual settlement with the Treasurer of said county of Laporte upon the presentation of said certificate to audit and allow to the said county of Laport a credit for the amount thereof.

Sec. 3. This act shall take effect from and after its passage.

road at Sinley's mills running from Hiltoneville in drawmine county, to Columbias in Bartholomow county. The state of the first before the first before the first Monday in September next, and after having been before the first Monday in September next, and after having been duly sworn or aftirmed by come officer, in one of the above named counties authorized to administer onthe well and faithfully to discounties authorized to administer onthe well and faithfully to discounties their duty as commissioners, which oath or affirmation shall be filed in the office of the clerk of Monroe county, to proceed to survey the said road by the nearest and best route, and locate and ex-

#### CHAPTER CXXV.

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An Act to authorize the county commissioners of Laporte county to borrow money, and for other purposes.

#### (APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the sales of county orders heretofore made by the commissioners of Laporte county, at a less price than their face, are hereby legalized and made valid.

Sec. 2. That the commissioners aforesaid, are hereby authorized to borrow money for the purpose of paying for the court house, now being constructed in said county, to any amount not exceeding ten thousand dollars, at a rate of interest not exceeding ten per

centum per annum.

SEC. 3. For the purpose of securing the payment of the money so borrowed, it shall be lawful for the said commissioners to issue the bonds of the county, the principal and interest of which may be payable at such times as the parties may agree, so that the timeshall not exceed five years from the date of such bonds.

SEC. 4. The bonds so to be issued shall be issued on the order of said county commissioners, signed by the Auditor, and countersigned by the Treasurer, and shall be assignable and negotiable by endorsement thereon, so as absolutely to transfer and vest the property thereof in each and every endorsee successively.

Sec. 5. It shall be the duty of said commissioners to make provision for the payment of said money so borrowed, according to the

terms and conditions of said bonds.

SEC. 6. This act to be a public act, to be in force from and after its passage. And the Secretary of State shall immediately forward a certified copy of said act to the Auditor of said county.

#### CHAPTER CXXVI.

Avb Weseras, By a recent freshet, great damage has been done to

An act to authorize the erection of a new Seminary in Henry county.

bise and delayers (APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the board of county commissioners of Henry county, to erect out of any funds set apart by law for

that purpose, a new seminary building for said county, on the site

where the present building stands.

Sec. 2. It shall be lawful for said board to contract or cause to be contracted for, the erection of the new building by public or private contracts, as to them may be deemed most expedient, also to let the same as an entire contract, or in separate parts, and in such manner as may be deemed most advantageous.

Sec. 3. It shall also be lawful for said board to appoint a superintendent or superintendents with such power to superintend, provide, erect, and contract on their behalf for the erection of said building as they may deem proper, and all contracts made by said superintendents, or other act done by them within the scope of the authority given them by said board, and within the power of said board, shall be binding on said board.

SEC. 4. That any act done by said board at the December term thereof, 1848, in the appointment of any such superintendents, and any power granted them by said board not inconsistent with this

act is hereby ratified and confirmed.

Sec. 5. This act to be in force from and after its passage. he bonds of the county the principal and interest of which may be avable at such times as the parties may agree, so that the time

#### CHAPTER CXXVII.

of said county commissioners, signed by the Auditor, and counter

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An Act amendatory of an act entitled, "an act to incorporate the Hagerstown Canal Company," approved February 15, 1841.

#### (APPROVED DECEMBER 27, 1848.)

WHEREAS, The Hagerstown Canal Company is greatly embarassed for funds, with which to finish and keep in repair the said canal, and to pay the just debts and obligations of said company:

AND WHEREAS, By a recent freshet, great damage has been done to said canal, to pay for the repairs of which, the said company are unable to raise means, except by being enabled to make upon the stockholders in said company rateable requisitions of money; therefore

Section 1. Be it enacted by the General Assembly of the State of Indiana, That whenever said company shall need any amount of funds to put or keep said canal in repair or to pay any debt that said company may owe, or any interest thereon, unless each stockholder come forward and pay the rateable assessment on his stock, as hereinafter contemplated, it shall be lawful for said company from time to time, to expose to sale such stock and sell the same to the

highest bidder, or so much thereof as may be requisite to raise the required amount of funds on such terms, and under such regulations and restrictions as the board of directors may deem expedient. Provided however, That the requisition so made shall not during any one year exceed ten per centum on the whole amount of stock.

Sec. 2. At least sixty days notice of any such requisition and sale shall be given, in one or more of the public newspapers of Wayne county, which notice shall indicate the amount of the requisition upon each share of said stock, and unless the same be paid in cash on or before the day preceding the day of sale, so much of the stock as will make the amount of the requisition, shall be publicly sold at the office of said canal company.

Sec. 3. In due time after the sale of any stock as aforesaid, the stock accounts of the proper holders shall be accordingly changed [charged] and reduced upon the books of the company, unless the

same be superceded as hereinafter provided.

Sec. 4. The person who may bid in stock so exposed to sale may at his election pay for the same in cash down, and take his certificate for the amount of stock purchased, or he may execute his bond to the company for the payment of the amount of his bid within ten days thereafter, conditioned that there shall be a forfeiture to the company of ten per centum on the amount of the bond, in case default be made in the payment thereof agreeably to its terms, and the company on such default, at their election, may within ten days thereafter proceed to the collection of said bond with said forfeiture, or they may adjudge said sale void, and on payment of the forfeiture, surrender the bond, and re-expose said stock to sale, giving at least thirty days notice of the sale, as aforesaid, the stock still being subject to redemption, as aforesaid by the holder at any time prior to the day fixed for the sale thereof.

Sec. 5. Whenever a bond shall be given as above contemplated, any stockholder whose stock may have been so sold, may redeem the same by paying into the treasury of the company prior to the maturity of the bond, the amount of the requisition made upon his stock, together with ten per centum thereon for the purchaser, who shall thereupon relinquish the same, and be entitled to a certificate for the balance only, the proper credit being made on his bond by the company, and the collection of any judgment had on any such bond shall be enforced according to the rules of law in other cases.

Sec. 6. Any person transferring, selling, or in any way disposing of his stock to avoid the payment of any such requisition, shall be held personally liable to said company for any amount of such requisition that may remain unpaid after said stock is sold as aforesaid, and every stockholder shall be personally liable for such requisition.

Sec. 7. This act to be in force from and after its passage, and shall be deemed and taken as a part of the charter of said company.

#### CHAPTER CXXVIII.

An Act to prevent intemperance in Wayne, Greensboro, Spiceland, and Harrison townships, in the county of Henry.

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the passage of this act it shall not be lawful for any person to sell, barter, or exchange to any person or persons within the limits of Wayne, Greensboro, Spiceland, and Harrison townships, in the county of Henry, any spirituous or intoxicating liquors whatsoever, except for chemical, sacramental, medicinal, and scientific purposes: Provided however, That cider and beer shall not be understood as coming within the provisions of this act.

Sec. 2. Any person who shall violate the provisions of this act. upon conviction thereof before any justice of the peace of said townships, who is hereby invested with full and ample jurisdiction to hear and determine the same, or upon presentment or indictment in [the] circuit court of said county, shall be fined in any sum not less than five nor more than fifty dollars.

SEC. 3. This act shall take effect and be force from and after its passage, and all laws conflicting with the provisions of this act, so far as the same relates to Wayne, Greensboro, Spiceland, and Harrison townships, are hereby repealed. And this is hereby declared to be a public act.

#### CHAPTER CXXIX.

stockholder whose stock may have been so sold, may redeem

An Act for the relief of Christian Aigner.

(APPROVED JANUARY 5, 1849.)

WHEREAS, It is represented that Christian Aigner of the county of Jefferson, and State of Indiana, is the owner in fee of the south half, of the south-east quarter, of section twenty-two, of township four north, in range ten east, in the county aforesaid, and that the east line of said tract of land is the centre of the Michigan road.

AND WHEREAS, It is further represented that said Aigner has erected upon said land a substantial brick dwelling house, and other improvements, and that in locating his house said Aigner by mistake so located the same, that it is five feet within the limits of the Michigau Road. That said house is fifty feet in length, and said Aigner has also a well which is also within the range of the front of said house and within the limits of said road, Therefore

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the State of Indiana, does hereby release to said Aigner, his heirs and assigns the right of way over so much of the Michigan Road as is occupied by his house and well and the space between said house and well; this release to remain in force only during the continuance of said dwelling house on said premises.

Sec. 2. The board of commissioners of Jefferson county may, if in their judgment the same will not interfere with the public convenience, pass an order permitting the shade trees and other improvements of said Aigner, extending and being not more than ten feet in front of his house to remain until said order is by them repealed; and such order shall be binding on the supervisor of the road district in which said Aigner's house is situated, and until such order is repealed, said supervisor shall not be permitted to remove or otherwise to disturb said improvements.

SEC. 3. This act shall be in force from and after its passage.

# CHAPTER CXXX.

An Act to incorporate the Central Plank Road Company.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Inddiana, That Nicholas McCarty, William H. Morrison, William Robson, Jeremiah Johnson, J. F. Oaks, of Marion county, John Templin, Nathan Crawford, and David S. Gooding, of Hancock county, Jesse Hocket, Joseph Lawhead, and George Kneigh, of Hendricks county, and William Eaglesfield, David Scott, and Gilmore Connelly, of Putnam county, be and they are hereby appointed commissioners to open books at suitable places in the State of Indiana, for subscriptions to the capital stock of a company, for the construction of a plank road from the eastern line of Hancock county to the western line of Putnam county, to be called the "Central Plank Road Company" at any time within six months from the passage of this act: Provided, Said commissioners, or any three of them, shall give twenty days' notice of the time and place of opening said books, by publishing in one or more newspapers published nearest the contemplated line of said road.

SEC. 2. Said commissioners shall determine at what point or points books shall be opened, and the length of time they shall be continued open at each point, for subscription of stock to said com-

pany.

SEC. 3. The stock of said company may consist of money, labor, materials, or such other property, either real or personal, as may be agreed upon by the commissioners, or the Board of Directors, after being elected, and whenever twenty-five thousand dollars shall have been subscribed as stock in said company, and the sum of five thousand dollars thereof, either in cash, or approved promissory notes given without relief from valuation or appraisement laws, shall have been received by said commissioners, it shall be their duty to order an election for directors of said company, to be held at some convenient place in the city of Indianapolis, at such time as they shall designate, giving at least twenty days' notice thereof in two or more newspapers published near the line of said road.

SEC. 4. All subscription to the stock of said company other than cash, shall be received only at such valuation as shall be affixed thereto by three disinterested appraisers, to be appointed by the

directors of said company.

Sec. 5. Said commissioners, or a majority of them, shall attend said election, and conduct the same by opening a poll and receiving votes between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., of said day, and after the voting shall have been closed, they shall immediately open and count the ballots, and shall disclose the number of votes cast, the number received by each individual voted for, and declare those to have been duly elected directors, who shall have received the highest number of votes.

Sec. 6. The directors of said company shall be nine in number, five of whom shall constitute a quorum for the transaction of business; all vacancies occurring in said board shall be filled by a majority of said directors, and the person appointed by said board shall serve until a new board shall be chosen and qualified: Provided, however, That no person shall be eligible to hold the office of director who is not a stockholder in said company, and every director thus chosen shall serve as such until his successor is chosen and qualified.

SEC. 7. At all elections for directors each stockholder shall be entitled to vote as follows: For each share not over ten, one vote, and for each five shares over ten, one vote: Provided, No stockholder shall be entitled to more than fifty votes, and such votes shall be cast in person, or by proxy appointed in writing and signed by said stockholder; and no stockholder shall be entitled to vote after the first election, unless the stock by which he claims to vote shall have been held by him at least three months prior to such election, and no officer of said company shall vote at any election of directors, as agent, attorney, or proxy of any stockholder.

Sec. 8. The board of directors first chosen according to the provisions of this act, shall meet at such time and place as a majority of the commissioners aforesaid may designate, whose duty it shall he to give said directors notice thereof within ten days after such election, at which meeting it shall be the duty of said directors to appoint one of their number president of said board, and they shall also appoint a Secretary and Treasurer of said company, whose duties, terms of service, and compensation, shall from time to time be regulated by said board.

SEC. 9. Said board of directors shall at their first or some subsequent meeting fix the time for their next annual election of directors, not more than one year from the time of said meeting, and all subsequent elections for directors shall be held annually thereafter, and

conducted in such manner as the board may prescribe.

SEC. 10. One month's notice for the election of directors at each annual election shall be given by the publication thereof in two or

more newspapers near the line of said road.

SEC. 11. Each board of directors shall continue in office for the term of one year, and until a new board are chosen and qualified; and in case any annual election shall not be held on the proper day for holding the same, it shall be held at some early day thereafter to be fixed and appointed by the directors then in office, giving the same notice thereof as required to be given for elections regularly held.

Sec. 12. The aforesaid commissioners, as soon as the first board of directors of said company shall have been organized, or within ten days thereafter, shall deliver over to said board the subscription books of stock, and shall pay over to the order of said board all monevs or property received by them on such subscription, and in case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have destroyed or concealed any of said books with intent to defraud said company or any stockholder or stockholders thereof, such commissioner or commissioners so offending shall upon conviction thereof by presentment or indictment be fined in any sum not exceeding ten thousand dollars, and be imprisoned at hard labor in the State prison for a term of time not exceeding ten years

nor less than one year.

Sec. 13. The board of directors of said company shall have power to supply vacancies in the office of president, secretary, and treasurer of said company, and to meet from time to time, as often as may be thought expedient; to adjourn from time to time as they may think necessary; to adopt and establish such rules and regulations and make by-laws not inconsistent with the laws of this State, as in their judgment the business of the company may require, and are necessary for the better organization of the company, and to enable them to do and perform their duties and carry out the designs of the powers granted by this act; and alter and amend at pleasure any by-law of said company as the said board may deem necessary; to appoint all subordinate officers, engineers, agents,

and workmen, that may be necessary to carry out the objects of said company; to demand at such time and in such proportion as they shall see fit, the sums of money, or subscriptions in labor or materials, due by stockholders on their respective subscriptions of stock, under pain of forfeiture to the company of the shares of their stock, and all previous payments thereon, or of such other penalty as may be prescribed by the by-laws of said company, or to sue therefor and recover the amount due in an action of debt or assumpsit in any court of competent jurisdiction; to issue proper certificates of stock to the stockholders; and to determine in what manner and under what restrictions the shares of stock shall be transferable; to fix the compensation, and prescribe the duties of the several officers and agents in the employ of the company; to require such bonds, obligations and securities from the treasurer, secretary, and other officers of the company as may be deemed necessary; to open, and continue open as long as necessary, books for the subscription of stock in said company; to acquire, purchase, sell, lease, and dispose of real estate for the use of the company; to establish and construct toll houses, offices, mills, and all necessary structures, fixtures, machinery, and apparatus, for building and keeping in good order said plank road; to order and cause be made all estimates, surveys, and lettings of work at such times and places as they may determine; to prescribe such form of contracts, rules, regulations, and specifications for the performance of work as they may judge proper; to make and construct and keep in constant repair said road; to make and declare dividends of profits and income of said road, and its appurtenances, mills, and such other sources of income as said company may have, among the stockholders, at such times as they may deem expedient, and do all other necessary and proper acts in accordance with the provisions of this act, according to its true intent and meaning.

SEC. 14. The said directors when elected, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of "the President and Directors of the Central Plank Road Company," and by such name may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction within this State, and may make or adopt a common seal, and the same to alter at pleasure.

Sec. 15. The capital stock of said company may be two hundred thousand dollars, which may be increased at the pleasure of said company, to any sum not exceeding three hundred thousand dollars, that may be deemed necessary to carry into effect the legitimate objects of said company, and said stock shall be deemed personal property.

SEC. 16. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, corporation, company, township, or county, to be paid for, and at such times as provided for in sections three and thirteen of this act, the payments being equal pro rata upon all the stockholders.

Sec. 17. This corporation is hereby empowered to take possession of, occupy, and use, for the purpose of constructing a plank road thereon, all that portion of road known as the "National Road," together with the bridges, timber, stone, gravel, or other materials now belonging to said road, lying between the eastern line of the county of Hancock and the western line of the county of Putnam; and all the rights and privileges heretofore belonging to the United States in regard to such part of said National Road, and which have been surrendered to the State of Indiana, be and the same are hereby transferred to and vested in the said company for the purposes contemplated in this act: Provided, That the president, directors, and company of the Terre Haute and Richmond Railroad company, or any other railroad, shall have the right and power of locating and constructing said railroad across said plank road and of recrossing the same at such points as shall be convenient or necessary, doing no injury to the same more than is absolutely necessary.

Sec. 18. The track of said road shall be constructed of timber, plank, gravel, or other hard material, so that the same shall form a hard, smooth, and even surface; the particular manner of building said road shall be determined by the directors of said company: Provided, The track of said road shall not be less than sixteen feet wide.

Sec. 19. Whenever six continuous miles of said road shall be made and completed, according to section eighteen of this act, then the said company may erect a half toll-gate on said six miles so completed, and demand and receive tolls for passing the same at the rates hereinafter mentioned; and whenever said company shall make and complete any additional four miles of said road as herein required, then said company shall have the power to erect another half toll-gate and demand and receive toll for passing the same; and for every additional four miles of said road so completed, said company may erect either half or whole toll-gates, and at such places on said road as the directors of said company may judge for the best interest of said company, and demand and receive tolls for passing said gates at the rates hereinafter mentioned: Provided, That whenever six miles of said road from East street, in Indianapolis west, shall by said company be put in good order for use, then said company shall be permitted to collect such toll for the use of the same as shall remunerate said company for putting and keeping such part of said road in such order, not however exceeding the rates of toll permitted to be assessed in this act.

Sec. 20. The following shall be the rates of toll for each and every eight miles of said road, and in the same proportion for a greater or less distance to-wit: For each and every four-wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, not exceeding twelve cents; for every horse or other animal in addition, four cents; for every cart, chaise, or other two-wheeled carriage of any description, drawn by one horse or other animal, not exceeding eight cents; for every horse or other animal in addi-

for their own use.

tion, four cents; for every sleigh or sled drawn by one horse or other animal, eight cents; for every horse or other animal in addition, four cents; for every coach, chariot, or other pleasure carriage or vehicle, when used or designed chiefly for the conveyance of persons. drawn by one horse, twelve cents; for each additional horse or mule or other animal in addition, four cents; for every horse or mule and rider, five cents; for each horse, mule, or, ass six months old and upwards, led or driven, not exceeding three cents; for each head of neat cattle, six months old and upwards, not exceeding two cents; for each head of sheep or swine, not exceeding one-half cent.

Sec. 21. The board of directors of said company, or any agent by them lawfully authorized, shall have power to negotiate any loan or loans not exceeding in amount one-half of the amount of stock actually subscribed to said company, that may be by said company deemed expedient for carrying out any or all the objects contemplated by this act; and for the payment of such loans agreeably to the terms agreed upon, said company shall bind themselves by their bonds, which, when signed by the president, and attested by the secretary, and duly ordered to be issued, shall be a valid lien upon all the stock and effects of said company in the order of their issue; and all the effects of said company, both real and personal, shall be deemed and taken as pledged for the punctual payment of the interest on said bonds, and the ultimate redemption of the principal.

Sec. 22. No person shall drag along or across said road any log, wood, or timber, so that said log, wood, or timber, comes in contact with said road when made of plank or timber under a penalty not exceeding twice the amount of damage done, to be sued for and collected by said company for their own use.

Sec. 23. No tolls shall be exacted of any person or persons while actually going to or returning from militia mustering, from any religious meeting on the Sabbath, or from any legal voter going to or from any State, county, or township election, by any toll-gatherers within the township in which said voter may reside, or from any person or persons forming a funeral procession or returning from a burial.

Sec. 24. The toll-gatherers at each and any gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any carriage or animal subject to toll until the toll thereon is paid.

Sec. 25. Any person who shall willfully break or injure any gate on such road, which may have been erected in pursuance of the provisions of this act, or shall injure said road or bridges belonging to said road in any way, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage, or animal, turn out of said road, or pass any gate thereon, on ground adjacent thereto, and again enter on such road, shall for each offence forfeit a sum not exceeding ten dollars, to be sued for and collected by said company for their own use.

Sec. 26. The corporation hereby created shall exist and be con-

tinued for and during the term of fifty years.

Sec. 27. At any time after the expiration of twenty years the State reserves the right to purchase said road by paying said company the entire cost of constructing said road and keeping the same in repair: Provided, That if the average nett receipts of said company for twenty years shall amount to ten per cent. per annum on the amount expended by said company in the construction of said road, then the State shall have the privilege of redemption as aforesaid by paying the amount of expenses of construction without paying anything for the expenses of repairs.

Sec. 28. The Legislature may at any time, when said company shall have violated any of the provisions of this act, have power to repeal said act, and this act may at any time be altered or amended at the request of two-thirds of the stockholders of said com-

Sec. 29. This act shall be in force from and after its passage, and taken and deemed a public act, and shall be liberally construed

to effect the objects contemplated.

Sec. 30. This road hereby provided for shall be commenced within one year, and completed within five years thereafter; and if the said road is not commenced within one year from the passage of this act, and is not completed within four years to the western line of Hendricks county, and to the western line of Putnam county within seven years, that this charter and the privileges in the same granted shall be thereby forfeited and rendered null and void to all intents and purposes.

Sec. 31. The president and directors shall be individually liable for all debts contracted by said company beyond the amount of sol-

vent stock secured to said company.

Sec. 32. That three at least of said directors shall be citizens stockholders in the counties of Hendricks and Putnam, and two at least shall be citizens stockholders of the county of Hancock, and all stock taken or subscribed by persons, corporations, or companies residing or being east of Indianapolis, shall be expended in the construction and repair of said road east of Indianapolis, and so much of said road as passes over or through Main street in Greenfield shall be constructed of gravel, and shall be at least thirty feet wide, and at least twelve inches in depth; and the remaining four directors shall be citizens stockholders of Marion county.

### CHAPTER CXXXI.

An Act in relation to bridges, &c., in Fayette county.

(APPROVED JANUARY 1, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be, and is hereby made, the duty of the board of commissioners in the county of Fayette, at the common cost and expense of said county, until otherwise provided for, to put and keep in good repair all the public bridges across the White Water Canal, and also the bridge across the west fork of White Water

SEC. 2. It shall be, and is hereby made, the duty of the President. and Trustees of the town of Connersville, in said county, to cause one complete plat of said town to be drawn and executed, as nearly as possible in accordance with the several original plats thereof, with the subsequent alterations and improvements, now within the corporate limits of said town; which plat, when so made, shall be acknowledged by the president, and recorded, as is required by the statute in that behalf in reference to town plats. Which plat, and the said record, and duly certified transcripts thereof, and plats thereof, shall thereafter be taken and received in all courts and other places as good and sufficient evidence as to all matters apparent on its face, not inconsistent with the laws of this State.

Sec. 3. Any officer who may wilfully neglect the duty required of him by either of the preceding sections of this act, shall be liable to indictment for each offence, and upon conviction may be fined in any sum not exceeding one hundred dollars; and a continuance of such neglect, for every period of six months, shall be deemed a

Sec. 4. This act shall be in force from and after its passage; and the Secretary of State shall immediately transmit a duly certified copy hereof to the Auditor of said county.

#### CHAPTER CXXXII.

An Act to authorize Zebina Warriner of Decatur county to file a bill in chancery.

(APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Zebina Warriner, of Decatur county, in said State, is hereby authorized to file his bill for divorce against Eliza H. Warriner, his wife, in the circuit court of said county, at the spring term thereof, in the year 1849; and on the filing of said bill in the clerk's office of said court, thirty days prior to the first day of said term, and on proof being made according to law, in said court, that notice has been given to said Eliza (who is a non-resident of this State,) of the filing of said bill, by newspaper publication in said county for three weeks successively, the first of which publications shall be three weeks prior to the first day of said term, said court shall have and entertain jurisdiction of said cause, and may, at said term, proceed to a final hearing and decree in said cause, in all respects according to law, excepting as herein provided.

SEC. 2. This act shall be a public act, and shall be in force from and after its passage, and the Secretary of State shall immediately send a certified copy thereof to the clerk of the said Decatur circuit

#### CHAPTER CXXXIII.

An Act for the relief of Matthew McPhetridge, of the county of Monroe.

(APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioner of the reserved township of lands in the county of Monroe be and he is hereby authorized and required to receive of and from Matthew McPhetridge the amount of interest that is due and unpaid upon the unpaid purchase money for the east half of the south east quarter of section number twenty-seven of the reserved township of lands in the county of Monroe; and upon the receipt of said money the said commissioner shall give the said Matthew McPhetridge a certificate therefor, and shall permit the said Matthew McPhetridge to redeem the said land according to the laws now in force upon that subject, previous to the first day of May next, and that the said Matthew McPhetridge be re-instated in all the rights and privileges which he had and enjoyed before the said land was forfeited for the non-payment of interest; and for the services required of the said commissioner he shall be entitled to receive one dollar for his fees, out of said money.

Sec. 2. This act to be in force from and after its passage.

#### CHAPTER CXXXIV.

An Act to authorize the commissioners of Laporte county to settle with the securities of William Hawkins.

#### (APPROVED JANUARY 17, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the county commissioners of Laporte county are hereby authorized to make such settlement with the securities of William Hawkins, late clerk of the Laporte circuit court, as they may think just and reasonable.

Sec. 2. This act shall take effect and be in force from and after its passage, and the Secretary of State shall forthwith forward a certified copy through the Auditor of said county.

#### CHAPTER CXXXV.

An Act to amend an act antitled "An act to incorporate the Kosciusko, Elkhart, and Miami Railroad Company."

#### (APPROVED JANUARY 5, 1849)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the twelfth section of an act entitled "An act to incorporate the Kosciusko, Elkhart, and Miami Railroad company," approved February 13, 1848, be and the same is hereby so amended as to permit said company to extend the main line of said road from the town of Goshen, in Elkhart county, in any direction, so as to intersect the Michigan State line at any point within this State. Sec. 2. This act shall be in force from and after its passage.

#### CHAPTER CXXXVI.

An Act for the relief of John McCulloch, of Cass county.

[APPROVED JANUARY 1, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the Treasurer of Madison county be and he is hereby directed to pay over to John McCulloch of Cass county any amount of money that heretofore [may] have vested in said county, as the proceeds of an estray mare claimed by said Jon McCulloch: Provided, That the said McCulloch shall make the necessary proof required in such cases, as is provided for in the twentieth section of the twenty-first chapter of the revised statutes of eighteen hundred and forty-three, to make which said proof, the said McCulloch shall be allowed the time of four months from and after the passage and publication of this act, any provisions in the said twentieth sections to the contrary notwithstanding.

#### CHAPTER CXXXVII.

An Act to reduce the fees and salaries of county officers in the county of Blackford!

#### [APPROVED JANUARY 10, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the Treasurer of said county shall be entitled to retain, for his services in collecting the county revenue of said county, the sum of five per centum on the amount so collected and no more.

SEC. 2. That it shall not be lawful for the board of county commissioners of said county hereafter to make any allowances for extra services, payable out of the county treasury of said county, to the clerk of the circuit court of said county, the county auditor of said county, or the sheriff of said county.

Sec. 3. That it shall not hereafter be lawful for the county recorder of said county to demand or receive for recording each deed

more than the sum of sixty-two cents.

SEC. 4. That the members of the board of commissioners, the associate judges, [and] the grand and petit jurors of said county, be allowed the sum of one dollar per day, for their services as such, and no more. All acts and parts of acts contravening the provisions of

this act, be and the same are hereby repealed, so far as relates to the county of Blackford.

SEC. 5. This act to take effect and be in force from and after its passage.

#### CHAPTER CXXXVIII.

An Act to incorporate the Henry county Turnpike Company.

[APPROVED DECEMBER 5, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Gordon Bullard, Solomon McCain, Robert Woods, Richard J. Hubbard, Caleb Davis, Lewis C. Freeman, Mark L. Wilson, Merriman Straughn, and William D. Harden, and their successors in office duly elected as hereinafter provided, are hereby constituted a body corporate and politic, and by the name and style of the Henry County Turnpike Company, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any and all courts of justice of competent jurisdiction; to make and use a common seal, and the same to alter and renew at pleasure, and shall be able and capable at law to make contracts, and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State, and of the United States.

Sec. 2. The capital stock of said company shall be seventy-five thousand dollars, divided into shares of fifty dollars each.

Sec. 3. The directors named in this act, and successors in office, shall have full power and authority to construct a turnpike road on the [line] of the national road from the line dividing the counties of Henry and Wayne on the east, thence west to the line dividing the counties of Henry and Hancock on the west, and the State of Indiana hereby relinquishes to the said company all the rights and interests which she now has, or may hereafter acquire from the general government in and to the line of said national road, in the county of Henry, together with grade, bridges, and all other materials for the construction of said road.

SEC. 4. That all the provisions of an act entitled "an act to incorporate the Wayne County Turnpike Company," so far as they are applicable to the Henry county turnpike company, be and the

game are hereby made a part of this charter; Provided, however, That nothing in this act contained shall be so construed as to authorize the board of county commissioners to levy a tax for the nurpose of constructing said road.

Sec. 5. This act to be in force from and after its passage.

#### CHAPTER CXXXIX.

An Act for the incorporation of the York Guards.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Joshua Baker, Ransom Johnson, John Collins, and Cornelius Colkins, members of a rifle company organized and in operation in the county of Tippecanoe, with their associates and successors, be and they hereby are constituted a body politic and corporate by the name and style of the York Guards, and by that name shall have perpetual succession with power to contract and be contracted with, to sue and be sued, plead and be impleaded in all the courts of law or equity; to have and use a common seal, and the same to alter or change at pleasure; to create and elect or appoint their officers under such regulations as they may by bylaws ordain, and in general to make, establish, and enforce such by-laws, regulations, and rules, not inconsistent with the constitution and laws of the United States, and of this State, as they shall deem beneficial to the success and good government of said company.

Sec. 2. The commissioned officers of said company shall be a captain and three lieutenants, who shall be commissioned by the Governor of the State of Indiana, and on due notice of their election, and to whom alone their resignation shall be tendered; *Provided*, That the commissioned officers heretofore elected, and who now hold commissions in said company, shall remain in office the same as if elected subsequent to the passage of this act.

Sec. 3. The non-commissioned officers of said company shall consist of one surgeon, five sergeants, and four corporals, together with one quarter master, one secretary, one treasurer, and two drummers and one fifer, to be elected by the company and hold their offices for one year subsequent to election, which election shall be at such time as said company shall fix by their by-laws.

Sec. 4. Said company shall have power to levy taxes not exceeding one dollar on each member in any one year; to assess and collect such fines for non-attendance at parades, drills, or business meetings, not exceeding two dollars per day for each member, and such fines for deficiency in equipments not exceeing one dollar for

each article from each member, as may be ordained by the by-laws.

of the company.

Sec. 5. All fines assessed, or taxes levied by said company may be sued for and recovered in an action of debt before any justice of the peace, or other court having jurisdiction, and the cause of action shall be deemed and taken as sufficient if made in the following form, to-wit: A. B., to the York Guards, Dr. to, (naming the particular cause of indebtedness, and setting out the amount,) and on the trial of all causes to which the company may be a party, their books, records, and papers duly, authenticated under the hands of the secretary, shall be admitted in all courts and places as prima facia evidence of the facts contained therein.

SEC. 6. All fines, taxes, or penalties collected by said company,

shall be for the exclusive use and benefit of the same.

Sec. 7. It shall be the duty of the captain of said company to order out said company for parade and military improvement, one day in each month, and oftner if so directed by the company's bylaws.

Sec. 8. So long as said company shall remain in active operation, the persons composing the same shall not be required to perform any other militia duty in time of peace, nor shall any person while he remains an active member of said company be required to pay a poll tax, or to work the roads.

Sec. 9. It shall be the duty of the captain to furnish each member thereof with a certificate of membership under his hand, with the seal of the company attached, which certificate the county assessor and treasurer, and all other officers, are hereby required to

notice and respect.

Sec. 10. The said company shall be subject to the civil power, and shall assemble when required by the same for the purpose of suppressing all riots and insurrections that may happen in Tippecanoe county.

Sec. 11. Said company is also empowered to purchase or receive by donation, and hold real and personal estate for the use of said company, not to exceed in value the sum of five thousand dollars, and to erect, purchase, or lease a suitable building for an ar-

mory and drill meetings.

SEC. 12. To enable said company more effectually to provide for good order and discipline, they are hereby authorized and empowered to organize within themselves such courts as may be necessary to take cognizance of all delinquents, contempts, and disobedience of orders or unsoldier[like] conduct on the part of any member of such company, and all fines assessed by said court shall be collected as hereinbefore provided.

Sec. 13. All persons who shall serve for the full term of five years from the date of their enrolment as a member of said company, shall be entitled to a discharge, and shall thereafter be exempt from militia duty in this State, except in case of insurrection-

or invasion.

SEC. 14. This act shall be a public act, and construed favorably in all courts and places, and shall be in force from and after its passage.

[The above bill was presented to me within less than five days before the adjournment at the last session, and not having been returned or approved to the present time, it has become a law.

DECEMBER 7TH, 1848.

JAS. WHITCOMB.

# additor of said county, and the presentation to him of a true list of the taxes due and unpaid a.LXO (STTAHO) become of this [bis] death.

dana, That knon upplication of Kachel blair, administratry of

[An Act to change the name of James Gee, and others therein named.]

# (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the names of James Gee, and his sons Lewis, John, James, and Salathial, and his daughters Emily and Amanda, of the county of Carroll, and State of Indiana, be and they are hereby changed from that of Gee, to that of Ratliff.

SEC. 2. That nothing in this act shall be so construed as in any

wise to effect contracts heretofore made by said persons.

Sec. 3. This act to take effect and be in force from and after its passage.

# CHAPTER CXLI.

the peace, and said costs shall be paid by the person losing the

An Act to vacate the town of Mount Pleasant, in the county of Madison.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the town of Mount Pleasant, in the county of Madison, be and the same is hereby vacated.

Sec. 2. This act to be in force from and after its passage.

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Sec. 14. This act shall be a public act, and construed favorably

n all courts and places, and shall be in force from and after its

#### CHAPTER CXLII.

An Act to amend "an act empowering Rachel Blair, administratrix of the estate of Enos Blair, deceased, formerly collector of Monroe county, to collect arrears of taxes," approved Jan. 19, 1846.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That upon application of Rachel Blair, administratrix of the estate of Enos Blair, deceased, late of Monroe county, to the auditor of said county, and the presentation to him of a true list of the taxes due and unpaid to said decedent at the time of this [his] death, (as from the roll thereof appears,) as former collector of said county, said auditor shall certify the same; and the said administratrix, or any person appointed by her in said county, or any other county in which persons so in arrear, or their property, may be found, is hereby authorized to collect the same according to the laws in force at the time said taxes first became due.

Sec. 2. Any person so appointed to collect such taxes before proceeding thereto, shall take the oath required by said laws; Provided, however, That nothing herein contained shall be so construed as to prevent any person against whom there is a claim for taxes as aforesaid, from proving by receipt or otherwise that the same has been paid or satisfied; and said auditor is hereby authorized to hear and determine all motions to prove payment or satisfaction of said taxes, and he is empowered to issue subpænas and compulsory process, and swear witnesses, and he shall have the same fees as justices are allowed in similar cases, and the constable and witnesses shall have the same fees as are allowed before justices of the peace, and said costs shall be paid by the person losing the said suit.

Sec. 3. The probate court of said county of Monroe shall allow said auditor a reasonable compensation for his services herein required.

Sec. 3. This act shall be in force from and after its passage.

"Secrios 1. " Reviewa ded by the General Assembly of the State

Sec. 2. This act to be in force from and after its passage.

desidate of the moral with as a register

some from willise they be its Sland access in

Indiana, That the town of Mount Pleasant, in the county of Mad-

# town of Laporte; but he shall have no vote, unless the board be equally divided, when he shall give the casting vote; four trustees, or the president and the LILLXX RATPAHOUSTIME a quorum for

An act to amend an act entitled "An act to incorporate the town of Laporte," approved.

February 18, 1839.

### od obsm ed of Jan [APPROVED JANUARY 17, 1849.] delsm to safety ear

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the corporate limits of the town of Laporte be and the same are hereby extended, so as to include all the following territory to-wit, commencing on the township line between townships Nos. 36 and 37 north, of range No. 3 west, at the half mile post on the south side of section No. 35, in township No. 37 aforesaid, thence north to clear or Harris's lake, thence along the margin of said lake, to the north line of Hagenbuck's addition, to the town of Laporte, thence along the north and east boundaries of said addition to the Indian boundary, thence east along the same to the intersection of a line running north and south through the middle of the east half of the north-west quarter, south of said boundary of section No. 36 in township No. 37 aforesaid, thence south to the township line between townships Nos. 36 and 37 aforesaid, thence west along said township line to the place of beginning, and that whenever hereafter any addition of in-lots to said town shall be laid out and recorded; every such addition, as soon as the same shall be recorded, shall become a part of and to be included within the corporate limits of said town.

Sec. 2. At the annual election next after the passage of this act, and annually thereafter, there shall be elected by the qualified voters of said town, one president, five trustees, one lister, and one marshal of said town, which said election shall be conducted in all respects according to the provisions of the act to which this is an amendment; Provided, That one of said trustees shall be a resident of each of the wards of said town, each of which officers so to be elected, shall hold their offices for the term of one year from and after the second Monday in April, and until their successors are

duly elected and qualified.

SEC. 3. The corporate name of the said corporation is hereby changed to and the same shall be hereafter known and called by the name of "The President and Trustees of the town of Laporte;" the president and trustees to be elected under this act shall constitute the common council of said town, and shall possess all the powers and perform all the duties vested in and enjoined upon the trustees of the town of Laporte, under and [by] virtue of the act to which this is an amendment and the several acts amendatory thereto, except as shall be herein otherwise provided.

SEC. 4. The president shall preside at all the meetings of the common council, and shall perform all other duties by law enjoined upon or required of the president of the board of trustees of the

town of Laporte; but he shall have no vote, unless the board be equally divided, when he shall give the casting vote; four trustees, or the president and three trustees, shall constitute a quorum for the transaction of business, and in the absence of the president at any meeting, the trustees shall appoint one of their number president pro tempore, and any vacancy in the office of president, trustee, lister or marshal, shall be filled by appointment, to be made by the trustees, until the next annual election.

SEC. 5. The common council shall hold stated meetings at such times and places as they shall appoint, and mayh old special meetings whenever called together by the president; they shall have power to appoint a clerk, who shall be called the clerk of the town of Laporte, an attorney and treasurer, and all such other officers as shall be necessary to carry out the powers given to them, and the same to remove at their pleasure; they shall fix and determine the amount of compensation to be allowed to every officer elected or appointed by virtue of this act.

Sec. 6. The lister, marshal and treasurer, shall each execute a bond payable to the president and trustees of the town of Laporte, with security to be approved by the common council, in such penalty as shall be by said common council determined, conditioned according to the provisions of the act to which this is an amendment, and every officer elected or appointed under this act, except attorney, shall be required to take an oath of office before some aid out and recorded; every such additi

competent authority.

Sec. 7. The marshal shall perform all the duties now required by the collector, and shall be governed by the same laws and rules, in addition to the other duties enjoined upon him by law, and from time to time prescribed by the common council, and shall make return of his proceedings in relation to the collection of corporation taxes to the clerk, on or before the first day of April next after his election, instead of the first day of November, as provided in the act to which this is an amendment.

SEC. 8. In addition to the powers granted to the president and

trustees of the town of Laporte, they shall have power,

1st. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

2d. To restrain and prohibit all description of gaming and fraudulent devices in said town.

3d. To prohibit the sale of any spirtuous liquors by less quantity than a quart at a time, or to be drunk in the store, shop, grocery, house, outhouse, garden, or yard owned or occupied by the person selling the same, unless licensed so to do, according to the laws in of the town of Laporte, under and by virtue of the force at the time.

4th. To prohibit the selling or giving away of any intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent or guardian, master or mistress, or to any Indian.

5th. To regulate or prohibit the exhibitions of common showmen, and of shows of every kind, or the exhibition of natural or artificial curiosities, caravans, circuses, theaters, concerts, or feats of legerdemain, horsemanship, tumbling, vaulting, rope or wire dancing, or ventriloquism.

6th. To prevent and punish any riot, noise, disturbance, or disorderly assemblages, to suppress and restrain disorderly houses and groceries, houses of ill-fame, billiard tables, nine or ten pin alleys, or tables and ball alleys, and to authorize the demolition and destruction of all instruments and fixtures used or kept for the purpose

of gaming.

gaming.
7th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, vain, [barn] privy sewer, or other unwholesome or nauseous house or place, to cleanse. remove, or abate the same, from time [to time] as often as may be necessary for the health comfort, and convenience of the inhabitants of said town.

8th. To direct the location and direction of slaughter-houses, market-houses, and houses for storing gun powder, to regulate the keeping and conveying gun powder, and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

9th. To prevent and punish any horse-racing, foot-racing, fighting, toustling, [wrestling] brawling, and immoderate riding or driving in the streets or sidewalks.

10th. To prevent the incumbering or obstructing the streets, side walks, cross walks, lanes, or alleys with wagons, carriages, carts, sleds, sleighs, wheelbarrows, boxes, barrels, lumber, timber, firewood, or any other substance or material whatever.

11th. To regulate and determine the times and places of swimming and bathing in any lake, creek or pond, in or adjoining said

12th. To restrain and punish vagrants, intoxicated persons, mendicants, street beggars, and common prostitutes.

13th. To restrain, regulate, or prohibit the running at large of horses, cattle, cows, mules, swine, hogs, sheep, goats and geese, and to authorize the distraining, impounding, and sale of the same for the penalty incurred and costs of proceedings.

14th. To prevent the running at large of dogs, and to authorize the seizure and destruction of the same when running at large, con-

trary to any ordinance.

15th. To prohibit any person from bringing, depositing, keeping. permitting, or having within the limits of said town, any dead animol or carcass, or other unwholsome or nauseous substance, and to require the removal or destruction by any person who shall have or suffer upon or near his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins, and to authorize the destruction or removal thereof on his default.

16th. To prohibiting [prohibit] the rolling of hoops, playing at ball, flying of kites, burning, lighting, or firing squibs, crackers, rockets, torpedos, or other fireworks, or any other amusement or practice, having a tendency to annoy persons passing the streets of said town, or to frighten teams and horses within the same.

17th. To compel the owners or occupants of lots or buildings to keep the snow, ice, and dirt from the sidwalks, in front of their premises.

18th. To prevent the ringing of bells, blowing of horns and bugles, and crying of goods or other things, within the limits of said town.

19th. To abate and remove nuisances.

20th. To survey the boundaries of said town.

21st. To regulate the burial of the dead, to direct the keeping and returning bills of mortality, and to impose penalties on physicians, sextons and others, for any defaults in the premises.

22d. To regulate and determine the manner and place of selling and weighing, or measuring hay, wood, lime and coal, and to appoint suitable persons to conduct and superintend the same.

23d. To regulate cartmen and cartage.

25th. To regulate the quality of bread, and to provide for the

seizure or forfeiture of bread baked contrary thereto.

26th. To establish, keep up and regulate public pumps, wells, cisterns and reservoirs, and to prevent the unnecessary waste of water.

27th. To establish and regulate public pounds.

28th. To prevent and punish the firing of guns, pistols, or other firearms within said town.

29th. To regulate, restrain, or prohibit the keeping, exhibiting, or

parading of stallions and jacks within said town.

Sec. 8. The common council may make, ordain, publish, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the laws of this State for the good government and order of said town, and the trade and commerce thereof as may be necessary [to] carry out the powers given to said council by this act; and to enforce observance to all rules, ordinances, by-laws, and police regulations, made in pursuance of this act, by imposing penalties on any person violating the same, not exceeding twenty-five dollars for any one offence, to be recovered with costs in an action of debt or any other form of action, in any court of competent jurisdiction; every such ordinance or by-law imposing any penalty or forfeiture for the violation of any of its provisions, shall after the passage thereof be published for two successive weeks in some newspaper published in said town, and proof of such publication by the affidavit of the printer, publisher, or proprietor of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk of the corporation, or other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance in all courts and places.

SEC. 9. The common council at their first meeting after the an-

nual election in each year, or within ten days thereafter, shall designate one newspaper printed in said town, in which shall be published all ordinances, by-laws, and other matters and proceedings required by this act or by the by-laws and ordinances of the common council, to be published in a newspaper.

SEC. 10. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law, or police regulation made in pursuance, shall be brought in the corporate name, and in any such action it shall be lawful to declare generally in debt for the penalty or forfeiture, stating the section of this act, or the ordinance, or by-law, or the section, or sections thereof, under which the penalty is claimed, and to give the special matter in evidence, and the defendent may give in evidence under the general issue any special matter in bar of said action; but it shall not be necessary in any action founded on any ordinance or by-law, to prove the passage or publication of such ordinance or by-law, unless the same shall be denied by plea verified by affidavit.

SEC. 11. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant, or freeholder, or householder in said town, in any action or proceeding in which

the said town is a party.

SEC. 12. The common council shall have jurisdiction over the streets, lanes, alleys, and highways within said town, and shall have power to cause any of the same to be opened, graded, leveled, paved, repaired or graded, and to cause cross and sidewalks, drains, sewers, acqueducts and culverts, to be made in said [streets] and shall cause the expenses of any such improvement, except as hereinafter provided, to be paid out of the corporation treasury.

Sec. 13. The common council shall have power to define the width of all sidewalks, and to cause the owners of property in said town to level, grade, pave, repair, and keep in repair all such sidewalks in front of their property at their own cost and charges, and on default of any such owner, shall have power to cause any such improvement or repair to be made in the most economical manner, and to assess the same as a tax against the property in front of which such improvement is made, and to collect the same in the same [manner] as is hereinafter provided for the collection of corporation taxes.

Sec. 14. Whenever the real estate of any infant, insane person, or feme covert, shall be sold for the payment of any corporation tax or assessment, every such infant, insane person, or feme covert, shall have the right to redeem the same within two years after the

removal of such disability.

Sec. 15. The common council shall have power as often as once in three years, to remodel, change, and alter the several wards of said town, always having regard to the population thereof, and making the same as nearly equal as may be.

Sec. 16. This act shall be a public act, and as such shall be recognized by all courts and other persons; it shall take effect from

must election in each year, or within ten days thereafter, shall deand after its passage, and all laws and parts of laws repugnant hereto, are hereby repealed. It has been and address of the best if required by this act or by the by laws and ordinances of the com-

Sec. 10. All actions brought to recover any penalty or forfeiture

incurred under this act, or any ordinance, by-law, or police regula-

men councileto be published in a newspaper.

The ordinance, of by law VIXIX SHAPTER CXLIV. Well and be sent under the control which the penalty is claim, and the control a An Act for the relief of the land owners along the Northern line of Ohio County

#### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana. That all persons being the owner or owners of any real estate through which the north boundary line of Ohio county, (being Laughery creek) runs and divides the same, leaving a portion in Dearborn county, and a portion in Ohio county, it shall be lawful for such owner or owners to pay the State, county, road, and all other taxes collectable [on] said real estate, to the collector of the county in which the greatest quantity of said real estate shall be situate by the division so made as aforesaid by said [north] boundary line, and the receipt of such collector shall be a good and sufficient acquittance for such taxes as aforesaid: Provided, That such owner or owners shall have the right to pay for the amount of their real estate in each county respectively, as therein situate, at the. free choice of such owner or owners as aforesaid.

Sec. 2. That nothing in this act shall be so construed as in any way to affect the present mode of paying all taxes on polls and per-

sonal property in said counties of Dearborn and Ohio.

Sec. 3. The said taxes on the real estate aforesaid, when so paid, shall be by such collector returned as other funds by him collected in his county are returned, and shall be accounted for in the

same way.

Sec. 4. Any such owner or owners of real estate so situated as aforesaid, who may choose to pay the taxes for all his said lands. to either one county, he shall furnish to the auditor of said county wherein he elects to pay his taxes a true and correct list of the amount or quantity he, she or they is or are the owner or owners. of, situate and lying in the other county, and the value thereof, by the twentieth day of March, 1849, or by that time in any subsequent year, and said auditor shall enter the same on the duplicate for taxes for the current year, and carry out the amount of taxes due thereon at the rate of taxation fixed in said county, and the same shall thereafter remain a part of the taxable property of said county until charged [changed] by law—and said real estate shall be liable to all the laws, rules, and regulations now in force in such county, in regard to the assessment and collection of taxes and [on] real estate.

Sec. 5. This act to take effect and be in force from and after its passage and publication in the Indiana Whig, which publica-

tion shall be at the expense of Ohio county.

# and ed linds it gains CHAPTER CXLV. and tol sad to sad a

said county, or not

at the next August election for Representatives, determine by you

Sucrean is the it enorted by the General Assembly of the Stote of Induced. That the voters of Switzerland county, in this State, shall

An Act to change a portion of a certain State road therein named in the county of Clay. different townships to open a poll for that

#### on to Lavon (APPROVED JANUARY 16, 1849.) because were light

noval," according as his wish may be upon that subject, and the Section 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel Wools and Ezry Olds, of the county of Clay, be appointed and they are hereby constituted commissioners to relocate and change a portion of the State road leading from Bowling Green, in the county of Clay, to Rockville, in Parke county, as follows, to-wit: commencing where said State road strikes the section line between thirteen and fourteen, in Posey township, thence to run north with that line to the west section corner, one half mile on the new county road, thence west with the section line one quarter of a mile to intersect the said old State road at Elijah (the present seat.) then and in that case said seat of just s'sloow

Sec. 2. Said commissioners shall meet at any place which they may designate on the first day of June, 1849, or as soon thereafter as convenient, and proceed to the discharge of their duty, but before they proceed to business they shall take an oath to discharge their duty faithfully, before some person authorized to administer oaths.

SEC. 3. It is hereby made the duty of the Secretary of State to forward a copy of this act to the clerk of the Clay Circuit Court to be filed in his office. / lo maidt yas to yonom to bask lo ancitanob

Sec. 4. This act to be in force from and after its passage. or proposition being for the purpose of erecting said public buildings, or to aid in any way in the same, or to locate the same upon

and purposes, on the person or persons making the same, in case promisor, and it shall be the duty of said building committee, or a majority of them, to sue for the same, in their own names for the use of said county, and to recover the same in an action of debt or assumpsit, in any court of competent jurisdiction, as other claims

#### he liable to all the laws, rules, and regulations now in force in such county in regard to the LVIX RAPTER CXLVI. ad lon level

An Act to authorize the voters of Switzerland county to determine the location of the County Seat of said county, and to fix the same.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the voters of Switzerland county, in this State, shall at the next August election for Representatives, determine by vote whether they are in favor of a re-location of the seat of justice of said county, or not.

Sec. 2. That for the purpose of so determining it shall be the duty of the inspectors, judges, and clerks of such election in the different townships to open a poll for that purpose, and each voter shall have placed upon his ticket the word "removal," or " no removal," according as his wish may be upon that subject, and the same shall be noted by the clerks of such election, and returned to the clerk of the Circuit Court of said county, with the other returns of said election.

Sec. 3. It shall be lawful for each and every voter to place upon his ticket the name of the point to which he would prefer that said seat of justice should be removed, (if removed at all,) and the same shall be noted by the clerks of said election and returned with the other returns of said election as above directed.

SEC. 4. That in the event of there being a majority of all the votes cast upon that subject in favor of any point other than Vevay (the present seat,) then and in that case said seat of justice shall be removed to said point within sixty days thereafter; and that Joseph Malin, Sen., Henry McMakin, and Philander S. Sage, be and they are hereby constituted a committee for said county, to be denominated the building committee, whose duty it shall be to proceed immediately to the erection of the necessary public buildings for said county.

Sec. 5. That any promise, offer, or proposition made or tendered by any citizen, or number of citizens of said county, by way of donations of land or money, or any thing of value, by way of inducing persons to vote for any particular point, such offer, promise, or proposition being for the purpose of erecting said public buildings, or to aid in any way in the same, or to locate the same upon such promise, offer, or proposition, shall be binding to all intents and purposes on the person or persons making the same, in case said seat of justice shall be located at the point designated by said promisor; and it shall be the duty of said building committee, or a majority of them, to sue for the same, in their own names for the use of said county, and to recover the same in an action of debt or assumpsit, in any court of competent jurisdiction, as other claims

of a like legal nature are recovered, and said committee shall in no

case be liable for costs. Sec. 6. That in the erection of said public buildings there shall be made monthly estimates of the amount of work and labor done, and materials furnished, and shall be certified by said building committee, or a majority of them, to the auditor of said county, at least once in each month; and the board of commissioners shall from time to time make appropriations to meet the expense of erecting said public buildings, taking into consideration the donations made (if any) which are or may be collectable. But there shall not be paid to any contractor on said public buildings, at any time, more than fifty per cent. of the amount of labor done or materials furnished, until said buildings are finished and received by said State of Indiana, and their successors in office, leading committee!

Sec. 7. If it shall be found from the return of the vote above in the preceding sections of this act, (or any of them) provided for, that no particular point has been designated by a majority of the votes cast on that subject, or if a majority shall decide in favor of Vevay, the present seat of justice, then the said seat of justice shall be and remain at the said town of Vevay, as now located.

Sec. 8. That all the necessary powers and authority to carry into full effect the obvious intent and meaning of this act, and which may not be fully or clearly specified in this act, shall be and hereby are conferred upon the board of county commissioners of Switzerland county to make all orders and decrees in the premises. SEC. 6. This act to be in force from and after its passage. clerks, treasurers, surveyors, engineers, superintendents, artists, and

all other officers and persons necessary to carry into effect the ob-

rects of this act; they shall keep a journal of their proceedings, in

which shall be entered all the by-laws, rules, and regulations, and

## all orders for the payment of such allowances as may be made to thek officers and all officers cxLVII. The contest of the correct to time to t

An Act to authorize the Auditor and School Commissioner of Morgan county to make a deed in a certain case therein named.

## (APPROVED JANUARY 16, 1849.) I aggred vam tedi

he directors nassed in this act, or a majority of them Section 1. Be it enacted by the General Assembly of the State of Indiana, That the auditor and school commissioner of Morgan county are hereby authorized to execute a deed of conveyance to Silvia Ann Pruitt for the following described tract of school land in said county, to-wit: the east half of the northwest quarter of section sixteen, in township thirteen, north of range one west, containing eighty acres, which the former owner held by certificate from the school commissioner of said county, and died without assigning the same to said Silvia Ann. as not appe per said Silvia Ann. as not appear and the said Silvia Ann.

SEC. 2. This act to take effect and be in force from and after its reopened at any time and kept open as long as the corporal agazasq

of a like legal nature are recovered, and said committee shall in no case be liable for costs. oase be liable for costs.

SEC. 6. That in the HIVAXO RAPTER CXXVIII. there shall be made monthly estimated the costs.

An Act to incorporate the Frankfort Branch Railroad Company.

## Hads stanoissimmo (APPROVED JANUARY 16, 1849.) dono in cono tens

som time to time make appropriations to meet the expense of erect Section 1. Be it enacted by the General Assembly of the State of Indiana, That John P. Crothers, John Barner, William Pence, N. T. Catterlin, William Jenkins, Mordecai McKinsey, Wilson Seawright. Arthur St. C. Stall, Ephraim Byers, Samuel Aughe, Abram Norris John Blake, and Samuel D. Maxwell, of the county of Clinton and State of Indiana, and their successors in office, duly elected as here. inafter provided, are hereby constituted a body corporate and politic, by the name of "The President and Directors of Frankfort Branch Railroad Company," and by such name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction within this State, and shall have power to make and use a common seal, and the same to alter at pleasure, and to make contracts and enforce the same, and to establish and put in force such by-laws rules, and regulations as may be necessary to carry into effect the provisions of this act, not inconsistent with the constitution and laws of this State and of the United States.

Sec. 2. The corporation shall have power to appoint agents. clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all the by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ, which journal shall from time to time be read by the board, and if found to be correct. signed by the president. They may sit on their own adjournments, or on the call of the president; when the president is absent they may appoint a president pro tempore; they shall fill all vacancies that may happen in their own body.

Sec. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree upon, and organize said corporation by the election of one of their body president, and after such organization any seven of said board shall constitute a quorum to do business. Inseeb animoliol ent rol this

Sec. 4. The corporation shall cause books to be opened for subscription to the capital stock of the Frankfort Branch Railroad at such time and at such place or places as they may choose, due notice being given in one or more public newspapers or otherwise; and the books shall be kept open for any such space of time, at [such] place or places as the corporation shall choose, and may be reopened at any time and kept open as long as the corporation may

direct. The corporation may require such sums of money to be paid at the time of subscribing, not exceeding five dollars per share, as they may think proper, but such requisition shall be made known by being inserted in the notice for opening the books.

Sec. 5. The capital stock of said corporation shall be subscriptions of money, real estate, labor, or necessary and proper materials for the construction of said road, in shares of twenty-five dollars each, sufficient in amount to complete and accomplish the objects herein contemplated; and all subscriptions that may be made to the capital stock of said company in labor or materials, shall be paid to and received by the company at their cash value, to be ascertained by three appraisers, to be appointed one by the subscri-

her and two by the company.

Sec. 6. It shall be lawful for all persons of lawful age, or for any corporate body in the United States, by their authorized agent or officers, to subscribe for any amount of the capital stock of said Railroad Company; and the said corporation may, by their officers, or authorized agent or agents, offer for sale in any of the States of the United States any amount of stock, upon such terms and conditions as may be thought advisable; and said corporation shall have power to borrow money on their own credit, or by pledging the real estate subscribed as stock, or both, upon such terms as may

he agreed upon by the parties. SEC. 7. As soon as twenty thousand dollars are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation to give twenty days' public notice thereof in one or more newspapers and otherwise, and in such notice to appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders; and said election shall be conducted by two judges appointed by the stockholders present, and the persons having a plurality of votes given and counted in public shall be declared duly elected. No share shall confer the right to vote at any election, unless the same shall have been held one month previous to the election; in all elections one share shall entitle the holder to one vote, and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, State, or of the United States, or any person having a right [to vote,] may vote by written proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president; the president and directors elected shall continue in office until the next annual election, and until their successors are elected

and qualified or organized.

Sec. 9. All elections after the first shall be held on the first Monday in January, annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present at the time of holding such election; and public notice shall be given of said election, in at least one newspaper and otherwise: *Provided*, That if from any cause whatever there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

SEC. 10. The said corporation shall have power to call for such portions of the stock subscribed for, (not exceeding twenty per cent. um every twelve months,) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice thereof in some newspaper near the said road, or by giving to the said stockholders written notice, in which notice shall be sne. cified the amount called for and demanded on each share, and the time and place of payment; and any stockholder who shall fail neglect, or refuse to pay the same so called for on his, her, or their stock within ten days after the time named for such payment in said notice, the corporation may bring suit against such delinquent for the amount due and called for, in any court having jurisdiction and recover the amount so called for and unpaid, together with interest from the time of such failure, neglect, or refusal, and the evidence to establish such claim of the corporation shall be the order in the journal of proceedings of said corporation, calling for the instalment on the stock, and proof that the notice above specified has been given; and if the amount so recovered of any such delinquent cannot be made on execution, or if any such delinquent is out of the State, then the corporation may by an order on their iournal of proceedings declare such stock and all that may before have been paid thereon forfeited to said corporation; and no delinquent, after the failure, neglect, or refusal aforesaid, and before the stock should be [declared] forfeited to the corporation, shall have the right to vote for directors or receive any dividends on his, her, or their stock, until the corporation is fully paid and satisfied, and should any such delinquent or delinquents be a director or directors in said corporation, his, her, or their offices of director or directors may be by the balance of said board declared vacated, and they may proceed to fill from the qualified stockholders in said corporation such vacancy or vacancies in such board of directors, and the person or persons so appointed shall hold their office or offices until the next annual election, and until their successors are elected and qualified: the corporation shall require of all officers and others in their employ bonds, with such security as they may think proper, for the faithful performance of their official duties or undertakings.

SEC. 11. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; such certificates shall be signed by the president and countersigned by the clerk of said company. The stock shall be transferred in the books of the corporation only by the person or persons owning the same, in person, or by their legally constituted agent or agents, attorney or attorneys, or by their legal representatives, trustees, or guardian; and such stock shall be at all times holden by the corporation for any dues

from the owners thereof to the corporation, or for any sums to become due on any contract made with said corporation for or to such transfer.

Sec. 12. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibted to the stockholders at any annual election, or at any other general

meeting of the stockholders.

Sec. 13. The corporation, by their agents, shall have full power from time to time to examine, survey, locate, and construct a railroad of a single or double track, commencing in the town of Frankfort, in Clinton county, and State of Indiana, and running on the best ground for the interest of the company and the public convenience, so as to connect with the Indianapolis and Lafayette Railroad at any point between Lafayette, in Tippecanoe county, and Thorntown, in Boone county, at the option of the company.

Sec. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land, to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, wood, or other material necessary for the construction of said road, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation

shall be ascertained and paid.

Sec. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass a relinquishment of so much of the land as may be necessary for the construction or location of said road, as also the stone, gravel, timber, and other materials; and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, land, labor, money, property, stone, gravel, or other materials for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of said location for the benefit of said corporation, shall be binding and obligatory, and the corporation may have their action at law in any court of competent jurisdiction to compel the same: Provided, That all such gifts, grants, bequests, contracts, or relinquishments shall be made in writing, and signed by the party making the same, either in person or by an authorized agent.

Sec. 16. That in all cases where any person, through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where the difficulty may occur, that such facts do exist, and such justice of the peace shall thereupon, summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the

neighborhood, who shall, after taking an oath faithfully and impartially to assess their [the] damages, if any, view the land, and after having taken into consideration the advantages as well as the disadvantages, the road may be to the same, and shall report thereon. whether such person is entitled to damages or not, and if so, how much, and shall file such return with such justice, whereupon such justice shall enter judgment thereon, unless for good cause there shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises either with or without costs. Provided, that either party may at any stage of the proceeding, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint reviewers as above directed, who may report at that or succeeding terms in the discretion of the court and the judgment of the circuit court shall be final; Provided, that the advantages of the road shall not be taken into consideration in assessing damages for materials.

Sec. 17. And in all cases where the owner or owners of such land or materials shall be minors, insane persons, or reside out of the county, where such land may be, such justice shall cause three notices of the applications made, and of the day fixed on for the appointment of viewers, to be posted up in three of the most public places of the county, and if no person shall attend on the day named in said notice, and said justice shall adjourn the same until two weeks from that day, at which time he shall proceed as if such persons had been duly notified to attend, and on such judgment being rendered and the corporation complying therewith, by the payment of costs of [or] damages awarded against them, the corpora. tion shall be seized of the land or materials; costs shall be allowed or awarded against either party at the discretion of the justice.

Sec. 18. That when such corporation shall have procured a right of way as herein before provided, they shall have the sole use and occupation of the same for the purposes herein provided for; and no person, body corporate or politic, shall, in any way interfere therewith, molest, disturb, or injure any of the rights, or privileges hereby granted, or that would be calculated to detract from, or affect the profits of said corporation.

SEC. 19. That when the road is located, it shall be the duty of the corporation, to cause a plat of the same to be deposited in the office of the Secretary of State; and from and after that time it shall not be lawful for the said corporation to alter or change any part of the said location, unless said corporation pay the owner or owners of lands on such changed route, the amount of damages they may sustain by said re-location.

Sec. 20. The corporation shall commence the construction of said road, any time within five years after the opening of the books for subscriptions, and shall complete the same within ten years from its commencement; Provided, That if the road be not completed

thereafter, and shall appoint twelve disinterested persons of the

within the time aforesaid, the General Assembly shall, for a good

cause shown, give further time for its construction.

Sec. 21. That it shall be lawful for said corporation to place or prescribe the kind or carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of products, or freight of any kind; and for this purpose, the corporation may construct said road with such turns, gates, bridges, aqueducts, culverts, toll, and warehouses as may be considered necessary for the interest of the company and convenience of the public, and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state for travel, although the whole be not finished; and they may charge for travel and transportation on the same, when it is graded and bridged although the rails may not be laid so as to admit carriages thereon.

SEC. 22. The corporation may charge and receive such tolls and rates for the transportation of persons or freight of any kind on said road, or any part thereof, as shall be for the interest of said company, and to charge, lower, or raise at pleasure; Provided, that the rates established from time to time, shall be posted in some

conspicuous place or places on said road.

Sec. 23. Any person who shall willfully, mischievously, or maliciously destroy or injure any of the cars, machinery, furniture, apparatus, or other property or thing belonging or appertaining to said railroad, or shall willfully, mischievously, or maliciously place any obstruction on said railroad, shall, on conviction thereof, by presentment, be fined in any sum not exceeding five hundred dollars; and shall moreover, be liable in an action on the case to any person or persons body politic or corporate, for any and all injuries occasioned thereby.

Sec. 24. The said corporation shall cause to be kept a fair account of the making and repairing of said road, and every section thereof, with all incidental expenses, and shall also keep a fair account of any and all moneys received from and for the transportation of freight, mails, or other property or passengers on said road, and the books of said corporation shall always be kept open for the inspection of stockholders and creditors of said corporation.

Sec. 25. The corporation shall in no case, directly [or indirectly] engage in any kind of trade or deal in merchandize, other than such as shall be necessary to carry into effect the objects comtemplated by this act; nor shall said corporation, under any pretence whatever, enter into any banking business, for the purpose of receiving deposits or issuing bills of credit or scrip, or bills or receipts of any description to pass as a circulating medium.

Sec. 26. If the board of directors of said company shall contract debts in their corporate capacity, over and above the amount of stock subscribed and paid in and actually employed in the legitimate purposes of said company, the board of directors so contracting, shall be individually liable for the payment of such excess; and

the legislature of this State reserves the right to alter and amend this charter and to repeal the same upon the violation of any of its provisions by the stockholders or officers of said company.

SEC. 27. This act shall take effect and be in force from and after its passage and shall be deemed and taken to be a public act.

#### CHAPTER CXLIX.

An act to amend the act approved January 15, 1844, in relation to the publication of De linquent Lists, so far as relates to the county of Steuben and DeKalb.

#### (APPROVED JANUARY 17, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in the counties of Steuben and DeKalb, be and they are hereby authorized to let out the printing of the Delinquent Lists of the said counties, to the lowest bidder, among the publishers of newspapers in the said counties or in neighboring counties, having circulation therein, or in their discretion, to cause a manuscript or printed notice thereof to be posted up in each county commissioner's district.

Sec. 2. All laws and parts of laws conflicting with the foregoing provision be and the same are hereby repealed, so far as relates to the said counties.

Sec. 3. This act shall be in force from and after its passage.

#### CHAPTER CL.

An Act setting apart two acres of ground in Marshall county for a burying ground.

#### [APPROVED JANUARY 17, 1849.]

WHEREAS, The citizens of the county of Marshall have for a long time used a portion of the north half of the south east quarter of section number eight of Michigan road land, east of the Michigan road, which ground was set apart by Alfred Vinnage, while he was the owner of said land;

AND WHEREAS, The said Vinnage has heretofore mortgaged said land to the Sinking Fund, and the same has become forfeited to the State for the use of said fund; Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That two acres out of the north west corner of the north half of the south east quarter of section number eight of Michigan road land, east of the Michigan road, be and the same is hereby set apart for a burial ground, for the citizens of said county, forever.

Sec. 2. This act to be in force from and after its passage.

#### CHAPTER CLI.

An Act to vacate a certain road in the county of Switzerland.

(APPROVED JANUARY 17, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the road laid out from the east line of Nicholas Hammond's land, running westernly through the lands of said Hammond, the heirs of Jeremiah J. Holliday, deceased, and others, to the road leading from Patriot to Allenville, on the lands of the said heirs of Holliday, deceased, be, and the same is hereby, vacated.

SEC. 2. This act to take effect and be in force from and after its

of the Putiesia creaticeant is lived by authorized to give the re-

passage.

#### CHAPTER CLII.

An Act to locate a State road in Allen county.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Lot S. Bayloss, Henry E. Decker, and U. S. Armstrong, be and they are hereby appointed commissioners to view, mark, and locate, a State road, commencing at Rockhill's bridge, west of the city of Fort Wayne, and from thence running along as near the original survey of the Fort Wayne and Huntington State road as

practicable, until it strikes the said Fort Wayne and Huntington State road at a point in Aboit township where the aforesaid road is

now opened.

SEC. 2. The said commissioners shall meet at the city of Fort Wayne on or before the first day of September next, and shall have power to employ a surveyor and chainmen, and they shall be governed in all cases by the laws now in force regulating the duties of commissioners in like cases.

SEC. 3. This act to take effect and be in force from and after its

passage.

#### CHAPTER CLIII.

An Act to incorporate the town of Cloverdale, in the county of Putnam.

#### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the town of Cloverdale be and the same is hereby incorporated, under the general provisions of the Revised Statutes of the State of Indiana, as the same are contained in the twenty-fifth chapter [of] article first of said revision.

Sec. 2. The boundaries of said incorporation shall extend one half mile east, one half mile north, one half mile west, and one

half mile south, from the centre of said town.

SEC. 3. An election for trustees shall be held within one month after the first Monday in March, 1849, in accordance with the provisions of the second section of the article aforesaid, and the clerk of the Putnam circuit court is hereby authorized to give the notice as contemplated in said section, for which service the board of trustees shall make him a reasonable compensation.

SEC. 4. This act to be in force from and after its passage.

That Lot S. Bayloss, Henry E. Docker, and U.S. Armstrong

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#### CHAPTER CLIV.

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An Act to amend an act to incorporate the Richmond and Bostou Turnpike Company.

#### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That if a majority of the stockholders of the Richmond and Boston Turnpike company shall determine by a vote or otherwise that the directors of said company shall be reduced in number to five, instead of the present number, it shall be lawful for said company to elect five directors only, who shall possess all the powers and be subject to all the liabilities, rules, and regulations, which appertain to the present directors.

SEC. 2. This act to be in force from and after its passage, and

low Brady, of Muncie, John, L. Dollman Candl Jashin

Brownled, John Gilberts and George Webster, of Manor

han O. Hoss, of Peru, and their successors, duly alec-

all acts contravening the provisions of this act are repealed.

#### CHAPTER CLV.

An Act to locate a State road in the counties of Grant and Delaware.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That James Gillespie, and Esom Leach, of the county of Grant, and William McCormick, of the county of Delaware, be and they are hereby appointed commissioners, to view, mark, and lay out, a State road, commencing at New Cumberland, in the county of Grant, and State of Indiana, running thence to "Richards's saw mill," thence to the north east end of James Dunn's lane, thence through said lane, thence on the nearest and best route to the north east end of Ellis Jones's lane, thence the nearest and best route up the north side of the three mile branch to the county line dividing the counties of Grant and Delaware, thence west on or near said line to where the same crosses the State road leading from Marion [in] Grant county to Anderson in Madison county.

Sec. 2. Said commissioners, or any two of them, shall meet at the place of beginning on or before the first Monday of June next, or so soon thereafter as they may agree upon, and proceed to the discharge of their duties, [and in so doing they shall [be] governed in all respects by the laws now in force concerning roads and high-

ways, and receive for their services one dollar and twenty-five cents per day.

SEC. 3. This act to be in force and take effect from and after its

passage.

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An Act to incorporate the Muncie, Jonesboro', Marion, and Peru, Railroad Company.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel W. Harlan, Samuel Anthony, John Jack, [and] John Brady, of Muncie, John L. Dollman [and] Joshua Small, of Jonesboro', Benoni C. Hogan, Asbury Steele, John M. Wallace, John Brownlee, John Gilbert, and George Webster, of Marion, and Nathan O. Ross, of Peru, and their successors, duly elected as hereinafter prescribed, be and hereby are constituted a body politic and corporate by the name and style of the "Muncie, Jonesboro', Marion, and Peru, Railroad company," and are hereby made capable in law to sue and be sued, plead and be impleaded, defend and be defended against, in any and all courts of justice whatsoever, and to have and possess all the powers of a body politic and corporate, for the purpose of locating and constructing a rail road from Muncie in Delaware county to some point on the Wabash and Erie Canal by the way of Jonesboro' and Marion, county of Grant.

Sec. 2. The capital stock of the said company shall be four hundred thousand dollars, and be divided into shares of fifty dollars each; and the directors hereinbefore in the first section named shall have power to cause books to be opened for subscription to the capital stock of said company at such time and place or places as they may deem proper, due notice of which shall be given in at least one weekly newspaper of general circulation in the vicinity of the place

where said books are proposed to be opened.

SEC. 3. Whenever forty thousand dollars shall have been subscribed as stock in said company, (independent of real estate which may be subscribed,) and ten per centum paid thereon to said directors hereinbefore named, it shall be their duty to order an election to be held by the stockholders at some suitable place to be designated, for the purpose of electing thirteen directors of said company, first giving at least twenty days notice of the time and place of such election in some newspaper printed as aforesaid.

SEC. 4. All the rights, benefits, and privileges, conferred on the

"Indianapolis and Bellefontaine Railroad company," by the act incorporating said company, approved February 17, 1848, be and are hereby conferred on the Muncie, Jonesboro', Marion, and Peru Railroad company, hereby incorporated, and the charter of the Indianapolis and Bellefontaine Railroad company is hereby declared to be the charter of this company, excepting such parts and provisions of said charter as are of a local nature and applicable only to said Indianapolis and Bellefontaine Railroad: Provided, That nothing herein contained shall in anywise affect or modify, or be construed to impair any of the rights of said company.

SEC. 5. This act to take effect and be in force from and after its

the balance only, if any the

passage.

#### CHAPTER CLVII.

An Act to incorporate the Paris and Dupont Railroad Company.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That James S. Smyth, Walter B. Goodhue, Brannock Phillips, Daniel M. Hill, John Cobb, Dennis Willy, and Henry S. Dixon, of Jennings county, and Levi Butler, David A. Fish, and Miles C. Eggleston, of the county of Jefferson and State of Indiana, their associates and successors, be and the same are hereby constituted a body corporate and shall be and remain such forever under the name of "the Paris and Dupont Railroad Company," and by that name said company may contract and be contracted with, sue and be sued, and do all other things proper and usual for similar companies to do; and they are hereby invested with all the powers and privileges in any wise necessary or expedient to carry into effect the proper business of the association.

Sec. 2. Said company is created with a view to the construction of a railroad, with all usual and desirable appendages, from Paris

in Jennings county, to Dupont in Jefferson county.

SEC. 3. For the purpose of constructing said road, with all desirable appendages, and for putting and keeping the same in repair, and for doing all proper business thereon, said company are hereby authorized to enter upon, take, and hold in fee simple, all real estate and materials desirable for that puropose, doing no unnecessary damage.

Sec. 4. When such real estate or materials cannot be had by donation or fair purchase, the owner may file his claim for damages

in the office of the secretary of the company and select an arbitrator, whereupon said secretary shall select another, and these two a third, who shall be disinterested men, and within a reasonable time, having been sworn they shall proceed to examine the case and make out and file their award in the premises with said secretary, from which award either party may appeal to the circuit court of the county where the Secretary keeps his office, which appeal shall be in all things regulated and tried as appeals are from the justices of the peace in this State, said secretary being regarded as justice in this behalf.

SEC. 5. Whenever any real estate is so taken, or is damaged, the arbitrator's court or jury trying the case shall estimate any and all advantage said road may be to the other real estate of the claimant adjacent or contiguous to that taken, or within one mile thereof, deduct such advantage from the damage done, and find for the claimant the balance only, if any there be; if there be none the claimant shall pay the costs, if damage be recovered the company shall pay all cost.

Sec. 6. Said company may at all times make and establish all such by-laws, rules, and regulations, not conflicting with the laws of this State, in reference to their business, as they may deem expedient; and they may fix a penalty to any such laws, rules, or regulations, of not exceeding one hundred dollars for the violation of the same, and collect the same by action of debt in any court of competent jurisdiction; but all penal laws, rules, or regulations, prior to enforcing the same, and all toll rates shall be posted up in some conspicuous place at each depot on the road.

Sec. 7. Any person who may wilfully obstruct, injure, or in any wise interfere with said road, or any of the cars, materials, structures, or appendages, connected therewith, or any thing belonging to said company, besides the penalty that may accrue he shall pay the company threefold the damage done, on the case being made out before any competent court; and on the trial of all suits brought by or on behalf of said company, the regularity of their proceedings to entitle them to sue shall be presumed; but no common law ground of defence when made to appear shall by this provision be deemed to have been taken away; and all process against said company shall be served only on the secretary or treasurer.

SEC. 8. The capital stock of said company shall be twenty thousand dollars, which may be increased at any time to any amount desirable for completing said road with all the appendages, and conducting the business of the company as herein contemplated. Said stock shall be divided into shares of fifty dollars each, and may be taken by individuals, corporations, counties, or State, and may be paid for in cash or in any other way, and at such time as may be designated by the company.

SEC. 9. At all elections for directors each stockholder shall have one vote for each share held by him; and the votes may be cast in person or by proxy given directly by the person voting.

SEC. 10. The persons named in the first section of this act or any seven of them shall be the directors until a full organization of the company is had; and so soon as deemed expedient they shall meet at Paris, in Jennings county, and organize by the election of a president, secretary, and treasurer; they shall provide for opening books for the subscription of the capital [stock,] at such times and places and in the manner they may deem best, designating the times and modes of payment for stock; and if deemed expedient they may cause a random survey and estimate of the cost of the road to be made; and do all other things deemed expedient to do prior to the first election of directors.

Sec. 11. So soon as ten thousand dollars of the stock shall have been subscribed, an election for seven directors for said company shall be held in the town of Paris, Jennings county, due notice of the time of such election being given, to serve as such until their successors are elected and qualified, and annually thereafter on the first Monday in January there shall be a new election for a board of directors, at such place as the board of directors may direct, to serve for one year, and until as aforesaid; a direc'or shall be the owner of at least five shares of stock, and before taking his seat as such he shall take an oath faithfully and honestly to discharge his duty as such director, so long as he may remain in office. If for any cause there should be a failure to make an election on said day it shall be held so soon thereafter as practicable, thirty days previous notice being given of such election; each election shall be held by three judges, to be appointed by said board, they may appoint a clerk, and the judges and clerks shall be sworn honestly to perform their duty.

SEC. 12. When a new board is qualified they shall elect one of their body president, to serve as such for the current year, they shall also elect a secretary and treasurer to serve in like manner; such bonds may be required of all officers as may be deemed expedient; an official bond shall be required of the treasurer in a reasonable amount; and before entering on the duties of their office both the treasurer and secretary shall be duly sworn. Five members of the board concurring they may remove any officer, and fill the vacancy thus made; and any vacancy created in the board may

be filled by a majority of the members.

Sec. 13. In all cases except as may be specially provided, a majority of the board shall constitute a quorum to do business; and all the doings of such quorum at a regular meeting shall be deemed the acts of the company to all intents and purposes, and statements of such acts or doings signed by the president and attested by the secretary, with or without the seal of the company affixed, unless some by-laws may require the seal, shall at all times and places be deemed the best evidence thereof.

Sec. 14. Payments of stock subscribed in whole or in part, at such times and in such sums as the company may require, may be enforced by an action of debt before any competent court, and pay-

ment be had without the benefit of any stay or valuation laws and in case of an appeal or writ of error be had on any such judgment, and the same be decided in favor of the company, besides legal interest on the judgment, ten per centum damages shall be assessed and collected thereon for the company, or the company may, to recover the sum due or demanded, expose the stock of the delinquent to public sale to the highest bidder at the office of the company after reasonable notice, paying any surplus that may arise from the sale to the owner, and when so sold the secretary shall make the trans-

Sec. 15. The stock of the company shall be personal property and shall be transferable according to the by-laws of the company: after the road is completed, on the first Mondays in January and July in each year the company shall of their nett profits declare such dividends as may be deemed just, having a proper regard to the exigencies of the company.

Sec. 16. A journal of all the doings of the board of directors. with all proper stock and account books for the company shall be carefully and accurately kept by the proper officers; any of which books may be inspected at any time by any stockholder, two stock

holders applying at the same time for that purpose.

Sec. 17. Nothing in this act contained shall be so construed as to prohibit said company, after ten thousand dollars shall have been subscribed, as required by the eleventh section of this act, from letting any or all of said work on said road, as contemplated by this act, nor from collecting subscriptions of stock, and such other acts as may be necessary to be done in the prosecution of the same.

Sec. 18. Said company may negociate any loan or loans of money, and at any rate of interest, deemed expedient to be used in the construction of said road, or the purchase of railroad iron, cars, locomotives, &c.: Provided, however, That the president and directors of said company shall be liable in their individual capacity for all debts contracted in and for the prosecuting of said work over and above the amount of solvent stock secured to said company; and the legislature reserves the right to alter, amend or abolish this charter whenever any of its privileges shall be violated by said company.

SEC. 19. That the work on said road shall be commenced within three years from the passage of this act, and be completed within

five years thereafter.

Sec. 20. This shall be deemed a public act, and shall be liberally construed; it shall take effect from and after its passage; and should the company at any time desire any amendment to this act it shall be lawful for the legislature to make the same.

#### CHAPTER CLVIII.

An act to repeal an act approved February 12, 1848.

(APPROVEED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act entitled, an act forming sections 4, 5, 6, 7, 8, 9, 16, 17, and 18, in township 14, north of range 6 east, into one school district, approved February 12, 1848, be and the same is hereby repealed.

Sec. 2. This act to take effect and be in force from and after its

passage.

#### CHAPTER CLIX.

An act legalizing a State road in Porter county.

[APPROVED JANUARY 16, 1849.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That a certain road laid out, surveyed, and marked by Enos Thomas and Philander A. Pain as commissioners, and William C. Talcott as surveyor, in June, 1840, and reported and recorded July 6th, 1840, commencing on the Valparaiso and Monticello road at the point where it intersects the line dividing sections 17 and 18 in town 34 or 35, north of range 5 west, in Porter county, thence according to said survey and location to City West, in the county aforesaid, be and the same is hereby declared to be a lawful State road to all intents and purposes, the same as if this act had preceded said survey and location.

SEC. 2. This act to take effect and be in force from and after its

and without any known Leins or again as in the dinnied States

diagn, That Robert Ellibit of Jennings course, he and he is wereby appointed an agent for all the property both real and personal of

#### CHAPTER CLX.

An act to amend an act for the relief of Carey S. Goodrich, approved January 27, 1847.

(APPROVED JANUARY 16, 1849.)

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the second section of the act, approved January 27. 1847, entitled, "an act for the relief of Carey S. Goodrich," be and the same is hereby amended so as to read "lot number two," instead of "lot number one," inserted by mistake.

SEC. 2. This act to be in force from and after its passage.

#### CHAPTER CLXI.

An Act to secure to the common school fund of Jennings county the value and rents of certain real estate in said county, and for other purposes.

#### (APPROVED JANUARY 16, 1849.)

Whereas, It has been represented to this General Assembly that Leighman, alias Leighman Krebbs late of Jennings county was the fee simple owner of seven town lots in the town of Zenas in said county, in the year 1846, with the improvements and appurtenances thereon:

And Whereas, Said Krebbs at or about the month of May, 1846, left said county of Jennings temporarily only, intending to return thereto in a short time, as he then stated, and that he never has returned to said county, nor has any intelligence been had of and concerning him, or where he is since his departure, aforesaid, and that it is the general belief of the citizens of the town of Zenas and its vicinity, that said Krebbs is dead:

AND WHEREAS, It is further represented to this General Assembly that said lots have been heretofore sold for taxes, but that the same are redeemable up to the first of January, 1850:

And Whereas, It is also represented that Krebbs was a german, and without any known heirs or relations in the United States; therefore

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Robert Elliott of Jennings county, be and he is hereby appointed an agent for all the property both real and personal of

said Leighman, alias Leighman Krebbs was the owner, in the said county of Jennings, and he, said Elliott, is hereby vested with full nower and authority to sue and collect all rents, or other debts or demands due and owing to said Krebbs or to his estate, in his, said Robert Elliott's own name.

SEC. 2. That it shall be lawful for Elliott, as such agent as aforesaid, to sell said real estate in such separate parcels as shall insure the best price, on a credit of one, two, three, and four years. and [one] fourth part of said purchase money to be paid each year, and to bear interest from date.

SEC. 3. That said agent shall take from the purchaser or purchasers of said real estate, notes for the instalments of said purchase money with good and sufficient securities, payable to the county Auditor of Jennings county, for the use of common schools therein, without any relief whatever from valuation or appraisement laws of Indiana, and make the interest thereon payable annually.

SEC. 4. That said agent shall hand over all notes so by him taken, as aforesaid, to the county Auditor, and take his receipt therefor.

Sec. 5. Said agent shall give to the purchaser or purchasers of said real estate, a certificate of purchase, entitling him, her, or them to a deed in fee simple for said real estate on the final payment of said purchase money, which said deed of conveyance shall be made and executed by said county Auditor.

Sec. 6. It shall be the duty of said agent to pay off said lien for taxes and redeem said land as such agent as aforesaid, and shall be repaid out of the first moneys realized from any part of said estate.

Sec. 7. That said agent shall be allowed a reasonable compensation for his services, and the remainder of the amount derived from said sale of said estate shall become a permanent part of the county common school fund, and the interest collected thereon shall be appropriated to the use of free common schools in said county of Jennings, after paying all just and legal expenses: Provided, That should said Krebbs return within five years from and after said sale, he shall be entitled to the purchase money for which said estate shall be sold, and it shall be lawful for the heirs of said Krebbs to come forward at any time within the five years aforesaid, and make legal proof of their identity and legal heirship, and to have and receive said estate, but that from and after the said five years shall have expired, said estate and the moneys thereto belonging, shall be and remain a part of the school fund of said county.

Sec. 8. This act to be in force from and after its passage.

#### CHAPTER CLXII.

An act to authorize the removal of obstructions in Salt creek, Bean Blossom, and Clear creek in the county of Monroe, and for other purposes.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of Salt creek as lies within the county of Monroe, and Bean Blossom from the bridge at Nicholas Fleoner's inn to its mouth, and Clear Creek from the bridge at Harrodsburgh to its mouth, [be] and they are hereby declared to be public highways.

Sec. 2. The board of commissioners of the county of Monroe are authorized, (if in their opinion they deem it expedient,) to lay off the territory through which the said creeks run within the above described limits, and for a distance of two miles on each side of said creeks, into suitable districts, such districts to be of such size

as the public interest and convenience may require.

Sec. 3. The said board of commissioners shall at the time that they lay off said districts, and from time to time thereafter, as often as is necessary, appoint a suitable person residing in each district, as a supervisor for each of said districts, whose duty it shall be to call out the hands in his district to remove timber and other obstructions in said creeks running through his district, so as to make the

same navigable, as near as may be.

Sec. 4. It shall be the duty of said supervisors to call out the hands in said [districts] to remove said timber and other obstructions in said creek, in the same manner and for the same number of days as supervisors are now required by law to call hands to work on public roads and highways: Provided however, That it shall be discretionary with the board of county commissioners to require said supervisors to call out said hands for any less number of days than they would be required to work on said public roads and highways.

Sec. 5. That the persons who are required to work on public roads and highways, residing within said districts, are also required to work in removing said timber and other obstructions out of said creeks, in the same manner as other persons are required to work on public roads and highways, and in default thereof, each and every person residing in said districts, shall be liable to pay the same penalties, to be recovered in the same way, as prescribed by law against those failing and refusing to work on public roads and highways, and such person so working on said creek in said districts, shall be entitled to credit for the time he so worked on said creek, on the time he is required to work on the public roads and highways.

SEC. 6. If any person or persons shall obstruct the navigation of either of said streams by falling timber therein and not removing the same within five days thereafter, every person so offending shall for every such offence, on conviction before any justice of the peace of the proper township be fined in any sum not exceeding three dollars. All fines collected for breaches of this act, shall be paid over by the officer collecting the same for the use of the county seminary.

Sec. 7. The supervisors so appointed by the board of commissioners shall be liable to the same fine and penalties for failing and neglecting their duties therein required, and refusing to qualify, as supervisors of public roads and highways are now subject by law.

Sec. 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and the Secretary of State is hereby required to immediately transmit to the Auditor of Monroe county, an authenticated copy of this act.

#### CHAPTER CLXIII.

An Act authorizing the location of a State road from the Michigan road, near Carroll postoffice, in Carroll county, to Jonesborough, in Grant county.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John Peyton, of Cass county, James Coshow, of Howard county, and Tohmas Martindale, [of] Miami county, be and they are hereby appointed commissioners to view, mark, and locate a State road, beginning at the Michigan road near Carroll post office, in Carroll county, running thence eastwardly to the Carroll county line at the cornering of Cass county on said line, thence eastwardly along the line dividing the counties of Cass and Howard, to or near Chauncy post office, in Howard county, thence to the town of Cass, in Miami county, thence to the town of Jonesborough, in Grant county, on the nearest and most suitable route.

Sec. 2. That said commissioners shall, after taking an oath to discharge, faithfully and impartially, their duty as such commissioners, proceed on the first Monday in May next, or some subsequent day, to view and locate said road on the route above designated, having due regard to individual rights, and the suitableness of the ground on which said read is to be located, so as not materially to increase the distances of said road.

SEC. 3. Said commissioners may, if they deem it necessary, take

to their aid a surveyor, marker, and chain carriers, who, together with said commissioners, shall be allowed for their services the sum of one dollar and fifty cents per day, to be paid by the counties through which said road may run, in proportion to the distance of said road in each of said counties; Provided, That for the distance that said road may run on a line dividing two counties, [said counties | shall pay an equal proportion.

SEC. 4. That it shall be the duty of said commissioners to file in the auditor's office in each county through which, or on the line of which, said road may run, within thirty days after the location of said road, a complete statement of said survey and location of said road, which shall be spread on the order book of the board of

county commissioners in each of said counties.

See. 5. This act to take effect and be in force from and after its passage.

#### CHAPTER CLXIV.

An Act to amend an act entitled "an act to incorporate the Madison and Brownstown Turnpike Company."

#### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for said Madison and Brownstown turnpike company to elect directors, as provided in the seventh section of said original act, and to proceed to the accomplishment of the purposes of said incorporation, so soon as two hundred and fifty shares of the capital stock of said company shall have been subscribed, and two dollars on each share shall have been paid.

Sec. 2. Said corporation shall commence the construction of said road within three years from the approval of this act, and complete the same within fifteen years from the commencement thereof; Provided, That if six miles or more of said road shall be completed within the time aforesaid, the charter shall not be forfeited, as to that part of said road so completed.

Sec. 3. Said corporation shall have the privilege of making said road a good clay turnpike, or of McAdamizing the same, as they

may deem most expedient.

SEC. 4. So soon as six miles of said road shall be completed, it shall be lawful for said company to ereet a toll gate ateach end of said six miles, if they shall deem it expedient to do so.

Sec. 5. So much of the act to which this is amendatory as conflicts with the provisions of this act, be and the same is hereby repealed.

SEC. 6. This act to be in force from and after its passage.

#### and last yaz lo seed CHAPTER CLXV.ditta ydated sia yedt bua tate which has or may be taken in payment of stock subscriptions

An Act declaring the width of a certain street in the town Bloomington, in the county of Monroe. Monroe. Sec. 2. It shall not be lawful for said company hereafter to issue

Secretary L. Be it cardied, by the General Assembly of the St.

#### (APPROVED JANUARY 16, 1849.)

WHEREAS, The town agent for the town of Bloomington, Monroe county, Indiana, in laying off and platting the out lots immediately west of the in lots in said town, failed to designate the width of the street running north and south, between the said in lots and the said out lots upon said plat, which is recordered in record book A, page 28, of the recorder's office of said county; Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the street running north and south, between the west out lots and the in lots in the town of Bloominston, Monroe county, Indiana, commencing at the north-east corner of out lot No. 14, and the north-west corner of in lot No. 284, thence south between in lots Nos. 283, 282, 281, 280, 209, 208, 145, 144, 73, 69, 70, 71, 72, and out lots Nos. 14, 13, 8, and 1, be and the same is hereby declared to be a public street to the width of twenty feet.

Sec. 2. That the recorder of said county is hereby directed to insert in the vacancy for said street on the plat of said town, the width of said street hereby declared, and refer to this act in making said entry.

SEC. 3. This act to take effect be in force and from and after its passage, noming mod lead the Lead to make a lead the model strong A Trong John F. Read, Richard C. Parker, Willia 11 1 Armstrong

be and they are bereby constituted and declared to be a body cor-

succession, and shall have power to fill any vacancies which may

canable in law, by the name and style aloresaid, to, purchase, re-

and Amos Lovering, and their associates and successors in office,

#### CHAPTER CLXVI.

An Act to authorize the Shelbyville Lateral Branch Railroad Company to dispose of their real estate.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the Shelbyville lateral branch railroad company, be and they are hereby authorized to sell and dispose of any real estate which has or may be taken in payment of stock, subscriptions or otherwise, in the same manner as any individual holding the same might or could do.

SEC. 2. It shall not be lawful for said company hereafter to issue or put in circulation any scrip whatsoever predicated on their real estate.

Sec. 3. It shall be lawful for said Shelbyville lateral branch rail. road company (subject to the terms, limitations and conditions of their original charter,) to extend their said road from Edinburgh to Columbus, or to construct a road from any point on their main line between Shelbyville and Edinburgh to Columbus, in Bartholomew county.

#### CHAPTER CLXVII.

the north-west corner of in lot No. 264, thence south between

That the street coming north and south, between the west

An Act to incorporate the trtstees of the Clark University.

#### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Henry Hurst, John D. Shryer, Grafton Addison, George F. Savitz, John Mitchell, Edmund F. Lee, John Salmon, Daniel Trotter, John F. Read, Richard G. Parker, William G. Armstrong, and Amos Lovering, and their associates and successors in office, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name and style of "the trustees of Clark University," and by that name and style shall have perpetual succession, and shall have power to fill any vacancies which may occur in their board by death, resignation, removal or otherwise; they shall have power to make and use a common seal, and the same to renew or alter at pleasure; they shall be, and are hereby made capable in law, by the name and style aforesaid, to purchase, receive by donation, possess, sell, lease, or otherwise manage, or disnose of any lands, tenements, or other hereditaments, not exceeding at one time in value the sum of one hundred thousand dollars. any moneys, notes, bonds, subscriptions, bills, goods, chattels, devises, or other property of whatsoever kind as they shall think proper for the use of the said University; to contract and be contracted with, to sue and be sued, plead and be impleaded in any court or courts, before any judge, judges, or justices within this State, or elsewhere, in all manner of suits, complaints, pleas, causes, demands, and matters of whatsoever kind, nature, or form they may be, and every other thing therein to do in as full and effectual a manner as any other body corporate or politic of like nature, within the State, may do.

Sec. 2. The said board of trustees shall hold their first meeting at some convenient place in the city of Jeffersonville, on the first Monday in April, eighteen hundred and forty-nine, at three o'clock, P. M., and seven of them being so met, shall constitute a quorum for business at the said first meeting, and at any meetings thereafter, which shall be annually, or oftner, as they shall determine by their ordinances. The said board shall, at their first meeting, divide in such manner as they shall think proper, the members thereof into four equal classes, or as near thereto as may be, of which classes the first shall go out of office in one year from the day of the first meeting of said board, the second class in two, the third class in three, and the fourth class in four years, from the day aforesaid, and in the same manner afterward forever, so that one fourth of the whole number, or as near thereto as possible, shall go out of office annually; Provided, however, That the members of said board shall always hold their offices until their successors shall have been elected and qualified.

Sec. 3. The said trustees, by this act incorporated, shall have power, at any legal meeting, to elect a president of their own body, a secretary, a treasurer, and such other officers as they shall think proper, whose terms of office and duties shall be such as the board shall appoint, and to remove the same; to ordain such by-laws, rules, and regulations, not contrary to the constitution and laws of this State, or of the United States, as they shall deem necessary for their own government, and the same to alter, amend, or repeal; to found in the city of Jeffersonville, in this State, an institution for the education of the sons of this State, and of other States, of every class and denomination who shall resort to it; which institution shall be known by the name of "Clark University," to establish in the same, departments or colleges for the instruction of the students thereof, in any brandh of liberal learning, or professional education, and the promotion otherwise of the sciences and arts; to determine the course of studies in all the departments of the said University; to appoint a president, professors, and other instructors therein, as they shall think proper, and to remove the same; which president and professors shall be known by the name of "the faculty of Clark University," and shall have power to conduct the instructions and government of the students of said University, subject to such ordinances as the trustees thereof may establish, by and with the consent of the trustees, to grant all such degrees in in the sciences and arts as are customary in other colleges or universities of the United States, and to give diplomas or certificates of the same, subscribed by the president and professors, and authenticated by the common seal of the University; Provided, That no such decree shall be granted to any person who shall not have made such attainments as are usually required as a qualification for the same degree in other colleges or universities.

Sec. 4. That upon the establishment of a medical department in said university, the board of commissioners for each and every county in this State, are hereby authorized to recommend and appoint not exceeding four suitable persons, who shall, at the time of such appoinment, be residents of such county, who shall be received as students in said medical department, and admitted to the full course of instruction therein for one-half the tuition fees paid by the regular class, the same being payable in advance. Such appointments may be made by said commissioners, or a majority of them when in or out of session, and the county auditor of the proper county shall furnish such student so appointed a certificate of his appointment, which shall be sufficient evidence to entitle him to the benefits of his appointment.

Sec. 5. In making such appointments the proper county commissioners shall select men of good moral character, and such as they believe are competent to make good practitioners of medicine, and other things being equal, shall give the preference to such as are in indigent pecuniary circumstances.

SEC. 6. This act is hereby declared to be a public act, and shall be liberally construed for the purposes hereby intended; and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gift, grant, conveyance, or devise to or for the use of said university, be defeated or predjudiced on account of any misnomer or informility whatever; *Provided*, The intention of the parties be shown beyond reasonable doubt.

SEC. 7. The State reserves the right to alter or amend this act at any time by a vote of two-thirds of each house of the General Assembly; *Provided*, That no alteration shall be made which shall change or affect the fundamental principles, or the objects for which the institution is founded.

SEC. 8. This act to take effect and be in force from and after its passage.

ors therein, as they shall think proper, and to remove the same

CHAPTER CLXVIII.

de Certificates of stock shall be given to stockholders

An Act incorporating the Rockville and Montezuma Plank Road Company.

(APPROVED JANUARY 12, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Morris Hughes, E. M. Benson, Joseph A. Wright, Isaac Selman, Rufus K. Harris, and Aaron Hart, of the county of Parke, and such other persons, not exceeding twelve, as may associate with them, be, and they and their successors hereby are constituted a body politic and corporate, to have perpetual existence and succession, to be known as "the Rockville and Montezuma Plank Road Company."

Sec. 2. The capital stock of said company shall be fifteen thousand dollars, divided into shares of twenty-five dollars each, and said company is hereby invested with power to increase the capital

stock to any sum not exceeding fifty-thousand dollars.

Sec. 3. The persons in the first section of this act named, or a majority of them, shall meet at such time and place as they shall agree upon, but on or before the first Monday of June next, and organize said company, by electing one of their body president, and after such organization shall immediately proceed to open books for subscription to the capital stock of said company, at Rockville, Montezuma, and such other places as they may deem proper, to receive subscriptions to the stock of said company, which books shall be opend at such times and under such regulations, as may be directed by the person elected president as aforesaid.

See. 4. The books of subscription to said stock shall contain the following entry and caption to be signed by subscribers to said stock, viz: "Rockville and Montezuma Plank Road Company. We the undersigned promise to pay the Rockville and Montezuma Plank Road Company twenty-five dollars for each share of stock set opposite our names, to be paid at such times and in such sums, as

said company may direct."

Sec. 5. So soon as five thousand dollars of the capital stock of said company shall be subscribed and taken, the said president of said company shall call a meeting of the subscribers, by publishing in some newspaper printed in said county of Parke, at least ten days before the meeting, and the stockholders, or such of them as may meet at the time and place appointed, shall proceed and elect three persons of their number to be directors, who with the president already chosen, shall hold their offices until the succeeding first Monday of March, and until their successors are chosen. Any vacancy which may occur in any of said offices either by death, resignation, refusal to serve, or removal, may be supplied at any meeting of the stockholders. The annual meeting of said company shall be held on the first Monday of March in each year.

Sec. 6. Certificates of stock shall be given to stockholders, signed by the president, and countersigned by the clerk. The stock shall be transferable on the books of the corporation, in such manner as said company may by by-law prescribe, but the company shall at all times hold a lien on all stock for any dues from the holders thereof to said company, or for sums that may thereafter become due to said company, on contracts made prior to such transfer.

Sec. 7. Said corporation shall keep a book containing a journal of its proceedings at any regular or special meeting thereof, and the proceedings at such [each] being drawn up and signed by the president and clerk, shall be *prima facie* evidence in all courts of justice,

and all other pleaes, of the facts therein stated.

Sec. 8. The capital stock subscribed to said Company shall be payable in such sums, and at such times, as said corporation at any stated meeting thereof may direct; and said company may, by bylaw, prescribe such penalties and forfeitures for the non-payment of assessments ordered to be paid upon such stock, as they may deem proper. Notice of all assessments shall be given by publication in some newspaper printed in the county of Park, at least twenty days

before such assessment is required to be paid.

Sec. 9. Said company shall have power and are hereby authorized to survey and locate a road from Rockville, in the county of Parke, to Montezuma in same county. Ssaid company may, and it shall be lawful for them to enter upon any highway or public road. with the consent of the board of county commissioners of the county of Park, where such road or highway may be located, which consent said county commissioners are here hereby authorized to give. and appropriate the same to the construction of said road, and thereupon such road or public highway shall become to all intents and purposes the property of said company. Said company may take release and conveyances of the necessary lands of any and all persons over whose land the road may be located, and any such release or conveyance may be executed by any infant, femme covert, guardian, executor, or administrator, and have the same force and be as valid and effectual in law, as if such persons so executing the same were of full age, sole, or had done the same personally, and such release executed by any executor or administrator, if approved by the proper Probate court, shall bind the estate and the heirs, creditors, legatees, and devisees thereof.

Sec. 10. For the purpose of locating and constructing said road, it shall be lawful for said company, by their agents or persons in their employ, to enter upon any lands to make surveys and estimates, and to take from the land occupied by said road, any stone, gravel, timber, or other materials necessary to construct said road and

bridges thereon.

Sec. 11. If any person or persons owning land over and upon which said road may be located, shall refuse to relinquish the same for the use of said road, and no satisfactory contract can be made with such owner by said company therefor, it shall be lawful for said

company to give notice to some justice of the peace of the county, and said justice shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named therein, and within ten days thereafter; and if the parties cannot then agree, said justice shall issue a venire for summoning before him a jury of three disinterested men of the county, to be selected by said justice, and such jury after having taken an oath or affirmation faithfully and impartially to assess the damages if any, shall view the lands upon which such damages are claimed, and shall determine the same duly considering the advantages and disadvantages of said road to said owner, and shall make report thereof to such justice; whereupon he shall enter judgment upon such report, from which report either party may appeal to the Circuit court, but no such appeal taken shall stay the proceedings of the company in opening and constructing such road over and upon such lands.

Sec. 12. If the owner is a minor, or insane person, or shall reside out of the county where such land may be, said justice shall cause three notices to be put up in three public places within the township where such lands are situated, of the time and place of summoning such jury to make such appraisement, and if no person appears for such minor, insane, or non-resident of the county, he shall appoint some disinterested person to act on behalf of such absentee, and shall then proceed as in other cases, and in all cases

costs shall be awarded in the discretion of the jury.

Sec. 13. In case said company shall require for the use of said road any stone, gravel, timber, or other material, from the land of any person adjoining on or near said road, and said company cannot contract with the owner for the same, said company may proceed in like manner to have the value of such materials assessed, as is above prescribed for assessing the value of lands, except as to estimating the advantages of said road, and in any such case of lands and materials said company may take possession of and use the same immediately after having paid to the justice for the use of the owner of such land or materials, the sum, if any, which may have been assessed therefor—notwithstanding any appeal which may be pending.

Sec. 14. If any person or persons, body politic or corporate, over and upon whose lands said road may be located and constructed, shall not, within six months after said road is completed across said lands, demand of said company payment or damages for the land taken or occupied in laying out, making, or constructing said road, such person or persons, body politic or corporate, and all persons claiming by, through, or under him or them, shall be forever thereafter incapable of sustaining any action, either to recover said

land or damages on account of the appropriation thereof.

Sec. 15. Said road may be commenced so soon as five thousand dollars of the capital stock shall be subscribed and taken. The company shall cause said road to be opened not less than forty, nor

more than one hundred feet wide, and that portion of it built of plank, shall consist of a permanent single track plank way, with proper grades and structures of earth on one or both sides of said plank way, to enable teams or vehicles to pass each other; such plank way to be of the width that such company may determine. And upon such portion as may be McAdamized, or built of gravel or earth, the worked part shall not be less than twenty feet wide, said company may, should they deem proper, construct a double track plank way upon the whole or any portion of said road.

Sec. 16. Said road shall be commenced within one year, and completed within three years from the passage of this act.

Sec. 17. The directors of said company may receive labor, materials, and personal property in payment of stock subscribed to said company, to be taken and estimated at the appraisal of the president thereof.

Sec. 18. If said road after its completion, or any part thereof, shall be suffered to be out of repair so as to be impassable for the space of one year, unless when the same is repairing, said company may be proceeded against by quo warranto, as for a violation of this charter, and if said company shall suffer said road to be out of repair to the hindrance or delay of travellers for any unreasonable length of time, they shall have no right to collect tolls thereon until the same is repaired.

SEC. 19. Whenever five miles of raid road is completed a gate may be erected thereon, and so on for every additional five miles until the whole is completed. After said road is completed, said company may erect and maintain toll gates at such points and at such distances from each other as they may deem proper, and the tolls charged upon said road and payable at the gates erected thereon, shall not exceed the following rates, for every ten miles distance traveling thereon, and in proportion for any greater or less distance, as follows: For every four wheeled coach, carriage, buggy, wagon, or other vehicle, drawn by one horse, or other animal. fifteen cents; for every horse or other animal in addition thereto. five cents; for every cart or other two wheeled carriage drawn by one horse or other animal, twelve cents; for every horse or other animal in addition thereto, five cents; for every sled or sleigh drawn by one horse or other animal, ten cents; for every horse or other animal in addition thereto, five cents; for any of the vehicles aforesaid, used chiefly to convey passengers, or passengers and their baggage, five cents for each passenger, or passenger and his baggage in addition to the rates above presented; for ever horse and rider, five cents; for every horse, mule, or ass, six months old or upwards, led or driven, three cents; for every head of neat cattle, six months old and upwards, two cents; and for each hog, sheep, or other animal, not hereinbefore enumerated, one cent.

SEC. 20. Whenever said company shall have completed a double plank track or way over that portion of the road on which a plank way shall be constructed, then said company may and it shall

be lawful for them to charge one quarter in addition to the tolls specified in the last preceding section.

SEC. 21. Said company may make, enact, and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel upon said road, and the rules to be observed by persons meeting or passing with wagons or carriages, and all other matters which may be deemed for the welfare of said company, and any person wilfully violating any ordinance or by-law made by said company, shall forfeit and pay the sum of five dollars, to be sued for and collected by said company, in an action of debt before any justice of the peace of the county where the delinquent, or offending party may be found.

Sec. 22. Said company shall put up a stone or post, at the end of each mile, with the number of miles from Rockville cut or painted thereon, and also at or near each gate, they shall place a board with the rates of toll painted or printed thereon.

Sec. 23. Dividends of the profits of said company shall be made semi-annually among the stockholders on the first Monday of September in every year.

SEC. 24. If any toll gatherer or gate keeper on said road shall unreasonably detain any person or passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit before any justice of the peace having jurisdiction, within twenty days after the occurrence, by the party aggrieved.

Sec. 25. If any person or persons using any part of said road shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road, to avoid any toll gate, or shall make any untrue statement as to the distance he or they may have travelled or intend to travel on the road, or shall practise any fraudulent means and thereby lessen or avoid the payment of toll, each and every person concerned in such fraudulent practice shall, for every such offence, forfeit and pay to said company the sum of ten dollars, which shall be recovered in the name of said company, in an action of debt, before any justice of the peace of the county where the offender may be found; and shall be collected without any stay of execution, or any regard whatever to valuation or appraisement laws: Provided, Nothing herein contained shall prevent persons residing on or near the line of said road from passing thereon between the gates, about their premises for common ordinary business.

Sec. 26. If any agent, treasurer, toll gatherer, or other person to whose possession or custody any of the moneys of said corporation shall come or be, shall convert any of the said moneys to his own use, or make way with the same in any way, he shall be deemed guilty of embezzlement, and shall be punished upon indictment found, in the same manner as if he had stolen the amount so

embezzled. The neglect or refusal of any such person to pay over on demand, to said company, or their agent, any moneys in his hands belonging to said company, shall be deemed prima facia evidence that he has embezzled the same.

SEC. 27. The said corporation may purchase and hold lands to the value of not exceeding five thousand dollars, over and above such lands as may be necessary in the location and construction of said road.

Sec. 28. Except as in this act is otherwise provided, this corporation shall possess the general powers, and be subject to the general restrictions and liabilities contained in the second article of chapter thirty-two of the Revised Statutes of 1843.

Sec. 29. This act shall be deemed and taken to be a public act, and shall be liberally construed, and shall take effect and be in force

from and after its passage.

#### CHAPTER CLXIX.

23. Bix lends of the profits of said company sitell be made

An Act to establish a State road from Bloomington to Point Commerce.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Wyatt Adkins, of Monroe county, John Hall, of Owen county, and Isaac Anderson, of Greene county, be and they are hereby appointed commissioners to locate and make a State road, commencing at Bloomington, in Monroe county, thence by Whitehall, in Owen county, on the nearest and best route, to Point Commerce, in Greene county: Provided, That said road shall run on the present State road from Bloomington to Whitehall.

Sec. 2. The said commissioners, or a majority of them, shall meet at such time and place as they may agree upon, and after being first duly sworn for the faithful and impartial discharge of their duties, according to law, shall proceed to locate and mark said State road, and shall report the same to the boards doing county business in the said counties, according to the laws now in force upon that subject, and said boards doing county business shall allow the said locating commissioners, and the necessary chain carriers and markers, a reasonable compensation for their services: *Provided*, however, That said commissioners shall locate and mark said State road before the first day of October next.

Sec. 3. This act to be in force from and after its passage.

## CHAPTER CLXX.

rding to law, one-fourth part thereof, to-wit, sixty-five dollar-

An Act to improve a certain road in the county of De Kalb.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all the road tax which is now or may hereafter be assessed on the land situated within one mile on each side of the road that leads now [most] directly from the Ohio state line, near where John Henry now lives, to Auburn, [and] passing from said commencement at the Ohio State line through the townships of Stafford and Wilmington until it intersects the Auburn and Big Run road, about four miles east of Auburn, and from thence on the said Big Run and Auburn road to Auburn, be and the same is hereby appropriated, according to law, to the improvement of said road.

SEC. 2. It is hereby made the duty [of the] several supervisors of highways, through whose districts the road [mentioned] in the first section of this act passes, to appropriate the tax, whether in labor or money, to the improvement of said road in their respective districts, according to law, and according to the true intent and meaning of the first section of this act.

SEC. 3. This act to take effect and be in force from and after its passage, and shall continue in force for the term of two years.

SEC. 4. It is hereby made the duty of the Secretary of State to forthwith transmit a certified copy of this act to the clerk of the De Kalb circuit court.

#### CHAPTER CLXXI.

An Act for the relief of Dempsey Linton, of Randolph county.

(APPROVED JANUARY 16, 1849.)

Whereas, At the public sale of school section sixteen, in township twenty, north of range twelve east, in the county of Randolph, and State of Indiana, by the school commissioner of said county, on the first day of February, A. D. 1840, lots one, eight, and nine, of forty acres each, in said section sixteen aforesaid, were struck off and sold by said commissioner to one Willis C. Willmore, lots one and eight for the sum of eighty dollars, and lot nine for one hundred dollars, of which sums the said Willis C. Willmore paid,

according to law, one-fourth part thereof, to-wit, sixty-five dollars, and one year's interest in advance upon the residue of the purchase money, and took a certificate of purchase for the same from the school commissioner aforesaid;

AND WHEREAS, Afterwards, to-wit, on the 7th day of September, 1841, the said Willis C. Willmore sold and assigned said certificates

of purchase to one Dempsey Linton, of said county;

AND WHEREAS, The said Dempsey Linton, having failed to pay the interest on the residue of the purchase money, which fell due on the 1st day of February, 1842, the said lots and parcels of land, as above described, became and was forfeited to the township aforesaid, for such non-payment, and still remains forfeited; therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said Dempsey Linton, or his heirs, at any time during the year 1849, be and they are hereby permitted, on the proper application, to re-enter lot number nine in section sixteen, township twenty, north of range 12 east, in the county of Randolph, and State of Indiana, for an amount equal to the balance of the principal unpaid at the time, and for which the same forfeited, as set forth in the preamble of this act, and that he, or they, (as the case may be,) shall have the same credit as is now allowed by law on the sale of school lands, for the amount of such purchase money, paying the interest yearly in advance thereon.

Sec. 2. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to cause a certified copy of the same to be filed in the Auditor's

office of said county.

#### CHAPTER CLXXII.

An Act to change the name of Lewisburgh to that of Eden.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Lewisburgh, in Greene township, in the county of Hancock, be and the same is hereby changed to that of Eden.

Sec. 2. Nothing in this act shall be so construed as to affect any transfer of any property in said town, whether real or personal, so

transferred befere the passage of this act.

SEC. 3. This act to take effect and be in force from and after its passage.

# bas shall importable CHAPTER CLXXIII.

four successive weeks, in some newspaper having the greatest

An Act for the relief of the Christian Church at Stilesville, Hendricks county, Indiana.

#### (APPROVED JANUARY 16, 1849.)

WHEREAS, It is represented to this General Assembly that in the year eighteen hundred and forty-two, the Trustees of the Christian Church at Stilesville, Hendricks county, Indiana, purchased of one James Denny, lot numbered seventy-six, in said town of Stilesville, for the sum of thirty-five dollars, for the purpose of erecting thereon a house for public worship;

AND WHEREAS, It is also represented to this General Assembly that said purchase money has been fully paid, and that said James Denny has departed this life, without having executed a deed of conveyance for said lot to said trustees, leaving Delilah Denny,

his widow and relict; Therefore, and od bloods also blas Isda

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said Delilah Denny, widow of said James Denny, be and she is hereby authorized and empowered to make, execute, and deliver, to William Snoddy, John W. McAchran, Daniel Osborn, and Henry McAllister, trustees of the Christian Church at Stilesville, Hendricks county, Indiana, and their successors in office, a deed of conveyance for said lot numbered seventy-six, in the town of Stilesville, in Hendricks county, which said deed, when duly executed, acknowledged, and delivered, by the said Delilah Denny, shall have the same force and effect, and convey to the said trustees the same estate in said lot, as if said deed had been executed, acknowledged, and delivered, by the said James Denney and Delilah his wife, prior to the decease of the said James Denny.

Sec. 2. This act shall be deemed a public act, and shall be in

force from and after its passage.

#### lo inditios biratte ban CHAPTER CLXXIV. Sandol and T. manife

An Act to legalize the sale of delinquent lands and lots in the county of Crawford.

(APPROVED JANUARY 15, 1849.)

Whereas, By the laws now in force, it is made the duty of the several county auditors of this State to give a general notice, for

four successive weeks, in some newspaper having the greatest circulation in the county in which delinquent lands may be situated, of the time and place of the sale of delinquent lands and

town lots, for non-payment of taxes;

AND WHEREAS, In the county of Crawford, the general notice of the sale of delinquent lands and lots, for the year 1848, of said county, was only published for three successive weeks, (the first on the 1st of November, and the third on the 15th of November, 1848,) in the "New Albany Weekly Bulletin;"

AND WHEREAS, The lands and lots, so advertised for sale for non-payment of taxes in said county of Crawford, were, on the 1st day of January, 1849, and on the 2d and 3d days of said month, offered for sale and sold by the treasurer, in conjunction with the auditor of said county, and in the same manner as if said notice of four weeks had been given (said error not being discovered until after said lands were sold);

AND WHEREAS, It is too the interest of the State, county, and people,

that said sale should be legalized; Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the sales as aforesaid made in said county, be and the same are hereby declared legal, and that they shall have the same force and effect, and the claim and title of purchasers of said sales shall be as valid and binding, as if said four weeks' notice had been given as required by [an] act of 1847, approved January 23d.

SEC. 2. This act to take effect and be in force from and after its.

passage

Sec. 2. This so was xx15 emrd a public act, and shall be in

#### CHAPTER CLXXIV.

snoviledged, and delivered, by the said James Denney and Dellish

An Act to establish a State road in the counties of Rush and Henry.

[APPROVED JANUARY 15, 1849]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Jabez Reeves, John M. Death, and David Sutton, of Rush county, be and they are hereby appointed commissioners, to view, mark, and locate, a State road, from Ogden in Henry county to a point in the Rushville and Knightstown State road where the county road from Ogden to Rushville intersects the same.

SEC. 2. The said commissioners, or any two of them, shall meet at the town of Ogden on the second Monday of April next, or at any other time they may agree upon, and shall take an oath faith-

fully to discharge their duties as such commissioners, before some person authorized to administer oaths, and shall proceed to mark and locate the same.

Sec. 3. The said commissioners shall make report to the county board at their next session thereafter, and the said county board shall cause said report when so made to be recorded, and order said roads to be opened. Said board shall make such allowance to said commissioners as to them may seem just and equitable.

SEC. 4. This act to be a public act and to be in force from and

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after its passage.

#### CHAPTER CLXXVI.

An Act to incorporate the Peru and Rochester Turnpike Company.

[APPROVED JANUARY 15, 1849]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That William Conner, [Dr.] H. P. Hows, Jacob Brower, William Moss, Jacob Wilkinson, Horace W. Mason, Daniel R. Bearss, Dr. Benjamin Henton, and Richard L. Britton, of Miami. county, and Dr. John I. Shryock, William Rannals, and A. Smith, of Fulton county, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body corporate and politic. by the name and style of "The Peru and Rochester Turnpike Company," and by such name and style shall be able and capable in law and equity, to sue and be sued, to plead and be impleaded, and answer and be answered unto, in any and all courts whatsoever, to make and use a common seal, and the same to alter at pleasure; and shall be able to make all contracts necessary to the objects of said company, and to make and enforce necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the constitution and laws of this State.

Sec. 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of twenty five dollars each, with power to increase the capital stock, if necessary to accomplish the

object herein contemplated.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree upon, and organize said corporation by electing one of their body president, and also a secretary, and after such organization any five of such board shall be a quorum to do business.

Sec. 4. Such corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders of what nature soever of said board, which journal and proceedings shall, from time to time, be signed by the president of such board; they may sit on their own adjournments, or on a call of the president, or any three of the directors, and when the president is absent at any meeting of such board, they may appoint a president pro tempore, and they may fill all vacancies that may occur in their body.

Sec. 5. Such corporation shall cause books to be opened for the subscription to the capital stock aforesaid, at such times and places as they may order, due notice of which shall be given in the newspaper printed and published in Miami county (if any there be at the time), and in case no paper should be printed and published at the time in said county of Miami, said notice may be given in such other manner as said corporation may direct, and in each of which books so opened as aforesaid the following entry shall be made:—

The undersigned promise to pay the sum of twenty-five dollars for each and every share of stock set opposite to our names, in such manner and at such times, and [in] such proportions, as the president and directors of the Peru and Rochester Turnpike Company shall direct, and without any relief whatever from valuation or appraisement laws. Witness our hands this —— day of ——, 18—.

Sec. 6. It shall be lawful for all persons of lawful age, and for the agent of any corporation, to subscribe for any amount of the capital stock aforesaid; and the said corporation may, by agent duly appointed, offer for sale in any other State any amount of stock upon such terms and conditions as may be thought advisable by said board; and they shall have power, on their own credit, to borrow money upon such terms as may be agreed upon by the parties to such contract; and said corporation shall have power to mortgage said road and the tolls which may thereafter arise from the same to secure the payment of any or all sums of money which may be borrowed by said corporation. The corporation shall have power to require such sums of money to be paid at the time of subscribing, not exceeding five dollars on each share subscribed, as they think proper; but the amount required to be paid at the time of subscribing shall be made known in the notice for opening books as aforesaid, and all future payments on the stock subscribed shall be under the direction of the board aforesaid.

SEC. 7. As soon as one hundred shares of stock is subscribed for in said company, it shall be the duty of the corporation to give three weeks' notice thereof in some newspaper printed in said county of Miami, (if any there be,) but in case there should be no newspaper printed in said county, then such notice shall be given in such other paper as said corporation shall designate, and in such notice appoint a time and place for such stockholders to meet and elect

nine directors, who shall be stockholders and citizens of this State, and which election shall be by ballot, and conducted under the superintendence of an inspector, two judges, and one clerk, appointed by the stockholders present at such meeting, and the persons having the highest number of votes shall be declared duly elected; in all elections each stockholder shall have one vote on each share up to ten; one vote for every two shares above ten up to twenty, one vote for every three shares above twenty up to forty; one vote for every four shares above forty up to eighty; one vote for every five shares above eighty; but no stockholder shall have to exceed one hundred votes; and each stockholder may vote in person, or by one of any partners, or by the husband, father, guardian, administrator, executor, trustee, or by the agent of any corporation; and every [any] person who may have a right to vote may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body to be president; the president and directors thus elected shall continue in office until the next annual election, and until

their successors are elected and qualified.

Sec. 9. All the elections after the first shall be on the first Monday in September annually, under the directions of the stockholders present, of which election notice shall be given; but should no election be held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any [other]

day, like notice having been first given.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held. They shall be signed by the president and countersigned by the clerk; the stock shall be transferable on the books of the corporation only, personally, or by agent or attorney, or by the administrators, executors, trustees, or guardian; but such stock shall be at all times holden by the corporation for any dues from the holder thereof to the corporation, or for any sums that may become due thereafter, on a contract made

prior to such transfer. Sec. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty per centum every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice thereof in the newspaper printed and published in the county of Miami, or by giving written notice to the stockholders, which notice may be served by leaving the same at the usual or last place of residence of said stockholder in case of his absence, in which notice shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall fail or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for in an action of assumpsit before any court having competent jurisdiction, and recover the amount with interest thereon from the time the same became payable; and if

the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation [may], by an order on their books declare such stock forfeited to the corporation, with whatever amount may be paid thereon; and no such delinquent, after the forfeiture of his stock, or before such forfeiture, and while he is in arrears as aforesaid, shall have the right to vote for directors or receive any dividend of his, her, or their stock, until such corporation shall be satisfied on account of such delinquency. The corporation shall require of all officers and others in their employ bonds, with such security as they may think proper for the faithful performance of their respective duties.

Sec. 12. The corporation shall have power by themselves, or their agents, to examine, survey, and locate the said road from Peru by the way of Mexico and Perrysburgh, in Miami county, to Rochester, in Fulton county, and shall have power to lay the same on any State or county road connecting said points or any two of them. or may diverge from the same whenever it may appear to be for the interest of the said company or public convenience. Such road

shall not exceed one hundred feet in width.

SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, their agents, and persons in their employ, to enter upon any lands to make survey and estimates for the purpose of searching for stone, gravel, wood, or

other materials for the construction of said road.

Sec. 14. That in all cases when any person, through whose land said road may run, shall refuse to relinquish his land, or permit the company to occupy the same, or when a contract with the parties cannot be made, it shall be lawful for the company to give notice to some justice of the peace in the township where such circumstances may exist or occur; and such justice shall thereupon summon the owner of the land to appear before him on a certain day within ten days thereafter, and shall call before him a jury of six disinterested men of the neighborhood, or such number as may be agreed upon by the parties, who shall, after having taken an oath faithfully and impartially to assess the damages, if any, view the land and materials, and after taking into consideration the advantages and disadvantages the road may be to the same, shall report thereon whether such person is entitled to damages or not, and if any, what amount, and file such report with such justice, whereupon such justice shall enter judgment thereon, unless for good cause shown, or unless the damages shall exceed one hundred dollars. [In case the damages exceed one hundred dollars, it shall be the duty of such justice to file the same, properly certified, in the circuit court of the proper county, and judgment shall be entered thereon in the same manner as judgments are had upon appeals from justices of the peace. And in case either party show good cause why the justice should grant a review, he shall order the same to be reviewed, either with or without costs. Either party may appeal to the circuit court of the proper county as in other cases, and the case shall be then tried de novo, and judgment rendered and proceeded on as in other cases; and such court shall appoint reviewers, who may report at that or the succeeding term, until which renort judgment shall not be rendered: Provided, however, Nothing herein contained shall be so construed as to prevent said corporation from proceeding with said road before said suit or proceeding for damages shall be determined; but any such judgment when so rendered as aforesaid, shall be a lien against the stock of said comnany until the same shall be paid; and said judgment shall not be subject in their collection to any valuation or appraisement laws.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of said road, to obtain from the nerson or persons through whose land said road may pass, a relinquishment of so much of said land as may be necessary for the construction of said road or location thereof, as also stone, gravel. wood, timber, or other materials, that may be obtained for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants and bequests, made and entered into in writing by any person or persons, capable in law to contract, made in consideration of such location or otherwise, and for the benefit of said corporation, shall be binding and obligatory, and the corporation may have their action at law or in equity, in any court of compe-

tent jurisdiction to enforce the same.

Sec. 16. And in all cases where the owner or owners of such land or materials be minors, idiots, or insane persons, or shall reside out of the county where the same may be, such justice shall cause three notices of the application and of the day fixed for the appointment of viewers, to be posted up in three of the most conspicuous [public places in the township, and if no person shall appear on the day maned in such notice, he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered and the corporation complying therewith by the payment of such damages and costs, as may be awarded against them, if any, the corporation shall be seized of the lands or materials, costs may be awarded against either party at the discretion of the justice.

SEC. 17. That when said corporation shall have procured the right of way as herein provided, they shall be seized in fee simple of the right to such land, and to the sole use and occupancy of the same for the purposes aforesaid, and no person, body corporate or politic, shall in any way interfere, molest, or injure, or disturb any of

the rights and privileges hereby granted.

SEC. 18. The corporation shall cause said road to be opened not exceeding one hundred nor less than fifty feet wide, of which at least sixteen feet shall be an artificial road, (except at such points as may be on good ground [natural] road) and such road to be covered with gravel, sand, stone, coal, clay, plank, or such other materials, as can best be secured, to be put in as compact a manner as is usual for such materials, and so as to render a solid road; and

said company may use a part or all of said materials in the construction of said road, but nothing herein contained shall be so construed, as to require said company, should [they] use plank in the construction of all or any part of said road, to cover more than a single track thereof, which shall not be less than eight feet wide.

Sec. 19. That when said road or any particular section thereof shall be located, it shall be the duty of the corporation to cause a plat or plats thereof to be deposited in the office of the auditor of the county where said road or section thereof is located, which plat or plats shall be legal evidence of where said road runs.

Sec. 20. That if said road or any section thereof, after its completion shall be suffered to go to decay, or be impassable one year, unless the same is repairing, this charter shall be considered for-

feited.

Sec. 21. The corporation shall commence the construction of said road within five years, and complete the same within twenty years from the granting of this charter; and whenever five contiguous miles of said road shall be completed agreeable to the provisions of this act, the county commissioners of the proper county shall appoint an agent to examine the same, and report his opinion in writing to said corporation, and if said road, or any five contiguous miles thereof, shall be reported as finished agreeable to the provisions of this act, the corporation may then enact [erect] a gate or gates, at suitable distances apart not less than five miles, and demand and receive of all persons traveling said road, such reasonable tolls and rates as the corporation may determine upon, to collect and receive from all persons traveling, or for the privilege of driving all kinds of live stock, wagons and teams, pleasure carriages, sleighs, and all other vehicles and things that may pass said road or any part thereof, as shall be for the interest of said company, and the same to charge, lower, or raise at pleasure; a list of rates established from time to time shall be posted up at some conspicuous place or places at each gate.

Sec. 22. If any person or persons using said road shall with intent to defraud said company, or to avoid the payment of toll, pass through any private way, gate or bars, or along any other ground near to said turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another person off said road, with intent to defraud said company, each and every person so offending, shall for every such offence, forfeit and pay to the corporation the sum of five dollars, without any relief from valuation or appraisement laws, to be recovered with costs of suit, in an action of debt, at the suit of the corporation before any justice of the peace of the county; Provided, That nothing in this act shall be so construed as to prevent persons residing along said road from passing about their premises, not exceeding one mile each way

on said road about their ordinary business.

SEC. 23. The company shall put up a post or stone at the end

of every mile, with the number of miles from the place where the road may commence fairly cut or painted thereon, and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and all other necessary matter in relation to direction.

SEC. 24. Any person who shall willfully or negligently injure said road, or injure or destroy any guide board, mile post or stone, or list of rates of toll exacted on said road, shall, on conviction thereof, before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit, in an action on the case, at the

suit and for the use of the corporation.

SEC. 25. If any toll gatherer on said road shall unreasonably detain any passenger after the proper toll has been paid or tendered, or shall demand or receive greater toll than is due and chargeable, he shall for [every] such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having jurisdiction, within twenty days after the occurrence.

Sec. 26. Said company may adopt such rules and regulations, and make such by-laws as in their judgment, the business and affairs of the company may require, and such as are expedient to perform the duties, and carry out the powers vested by this act.

SEC. 27. The service of legal process on the president, treasurer, or secretary of said company, shall be held in all courts and places, as sufficient service on said company, and on the trial of all suits and prosecution brought by said company, the regularity of all their proceedings to entitle them to sue or prosecute, shall be presumed; but no common law ground of defense when made to appear, shall by any thing herein contained, be construed to have been taken away.

Sec. 28. It shall be lawful for the county commissioners of the counties of Miami and Fulton, for and on behalf of their counties respectively, to authorize by an order of their board, as much of the

stock to be taken as they may think proper.

Sec. 29. The directors that may contract any debt over and above the amount of solvent stock subscribed to said company, shall be liable in their individual capacity for the payment of all dues to laborers, for work done upon said road, which shall not be paid by said company; and the legislature reserve the right to alter, amend, or repeal this charter, whenever the provisions are violated by said company.

Sec. 30. This act shall be deemed and taken to be a public act, and shall be liberally construed, and shall be in force from and af-

ter its passage.

## diverged a beside CHAPTER CLXXVII.

of every mile, with the number of infles from the place where

An act to change the name of the Cannelton Steam Mill and Manufacturing Company, and for other purposes.

## [APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the Cannelton Steam Mill and Manufacturing Company, be and is hereby changed to that of the Troy Manufacturing Company.

SEC. 2. The said company are hereby authorized to mine or dig and sell coal on any lands which they now own or may hereafter

purchase in the county of Perry, in this State.

SEC. 3. All contracts, obligations of any kind whatever, and liabilities of every kind, heretofore entered into or created in any manner by said company, shall remain in as full force as if this act had not been passed.

SEC. 4. This act shall be in force from and after its acceptance by said company, which acceptance they shall make public by pub-

lication in the Evansville Journal.

#### CHAPTER CLXXVIII.

shoes, at sufficient service on sould company, and on the trial of al

An act to amend the act entitled "An act to incorporate the Madison Cemetery,"—approved

January 19, 1846.

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the Madison Cemetery to purchase and hold, for the sole purpose of a burying ground, on the same terms, and to be disposed of and dealt with in the same manner as provided in their original charter, the quanity of not exceeding sixty acres of land instead of ten acres, as provided in the 5th section of said charter.

#### TO ASTLEAD OF SHIP OF CHAPTER CLXXIX. IS JEST THE MENT THE TOTAL CHAPTER CLXXIX.

The said trustees may select one of their number

An act to incorporate the Preachers' Relief Society of the Methodist Protestant Church of

## phod hims vd hale (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel Morrison, Thomas Shipp, Thomas Eubank, William C. Davis, and Samuel Motes, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of "The Trustees of the Preachers' Relief Society of the Indiana Conference of the Methodist Protestant Church," and by said corporate name may sue and be sued, plead and be impleaded, in any court of this State, and by that name, have perpetual succession, and they shall, in law, in said corporate name, be capable of purchasing and holding, bargaining and selling any property either real or personal, for the use of said church, whether by legal or equitable title, not to exceed in value twenty thousand dollars.

SEC. 2. They shall further be empowered to receive all and singular, any subscriptions, gifts, grants, donations, and bequests, and devises of real and personal property, designed for the benefit of said society, which shall be held and solely applied to the use and benefit of said society, in the manner which said trustees shall

deem most judicious and expedient.

Sec. 3. It shall be lawful for said Trustees to hold meetings at such places and at such times, and as often as it may suit them, or as their business may require, to sit on adjourments, on the call of the proper officer, or one of their body, and to elect or appoint such officers, and establish such a constitution, rules, and by-laws for their government as they or a majority of them may see fit; Provided, That such constitution, rules, or by-laws, shall not be incompatible with the constitution and laws of this State, or of the United States.

Sec. 4. It shall be lawful for the members of said society to perpetuate this board of trustees, by annual appointment, or in any way they may think proper, and also to fill vacancies which may in any way occur, and the trustees at any time chosen, shall hold their office for one year, and until their successors are chosen or appointed; they shall also keep a record of their proceedings, which shall be open to the inspection of all persons concerned.

Sec. 5. The said trustees may sell any real estate belonging to said body corporate, but not for less than the two-thirds of the cash value thereof, unless by vote of said society. And all conveyances shall be made by and in the name of the president of said trustees, and said president may use for his seal a scrawl, until

a seal be obtained. Many many many and described the seal of the s

Sec. 6. The said trustees may select one of their number as [their] president, and one as secretary, and one as the treasurer of said society.

Sec. 7. Said trustees shall be individually liable for any debts of said body corporate, over and above the value of its property, and the legislature reserves the right to alter, amend, or repeal this act at any time its provisions may be violated by said body

Sec. 8. This act is declared a public act and shall be liberally construed for all beneficial purposes and shall be in force from and after its passage. but outling your a betutit-goo ydered

he known by the name and style of "The Trustees of the Preachers"

saft Church," and by said convolute, pame may see and be sued,

#### notes have perpetual succession, and they shall, in law, in said guintagred guibled by CHAPTER CLXXX. 2 ad amail austorios

An act to amend an act entitled "An act for the relief of the securities of John Plasters School Commissioner of Miami County,"-approved February 2d, 1845.

#### bus assumed bus a (APPROVED JANUARY 16, 1849.) worders with a state

Section 1. Be it enacted by the General Assembly of the State of Indiana, That section second of said act, be and the same is hereby so amended as to authorize the School Commissioner and Auditor of said county, or either of them to give to the securities of John Plasters, the credits contemplated in said act, and they or either of them are hereby further authorized to enter such credit upon the bond, mortgage, or other instrument, (if any there be,) evidencing such indebtedness, as is contemplated in section three of said act.

SEC. 2. This act to take effect and be in force from and after its passage, and a certified copy thereof being filed in the office of the auditor of said county.

thee for one year, and until their successors are chosen or an-In the stand of th

per petuate this board of trustees; by annual appointment or in any

way they may think proper, and also to fill vacancity which may in

be open to the inspection of all persons concerned. An act authorizing the location of a State road running from Jonesborough, in Grant description of the Lafayette, in Tippecanoe county.

bise to Justice (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Baldwin, of Grant county, Josiah Lamb, of

Howard county, and Malon Shin, of Carroll county, be and they are hereby appointed to view, mark, and locate a State road commencing at Jonesborough, in Grant county, and running thence to Jerome, in Howard county, thence westwardly through the neighborhood of Harlan Ashley to New London, in Howard [county.] thence by the way of Prince William, in Carroll county, to Lafayette, in Tippecanoe county.

Sec. 2. Said commissioners shall, after taking an oath to faithfully and impartially discharge their duty as such commissioners, proceed on the first Monday in March next, or on some subsequent day, to view and locate said road on the nearest and best route between the aforesaid points, having due regard to individual rights, so as not materially to increase the distance in said road.

Sec. 3. Said commissioners may, if they deem it necessary, take to their aid a surveyor, marker, and chain carriers, who together with said commissioners shall be entitled to receive for their services one dollar and fifty cents per day, to be paid by the counties through which said road may run, in proportion to the distance of said road, in each of said counties.

Sec. 4. It shall be the duty of said commissioners to file in the auditor's office of each county through which said road may run. within thirty days after they shall have located said road, a complete statement of said survey and location, which shall be placed by the auditor, on the order book of the board of county commissioners.

Sec. 5. This act shall take effect from and after its passage, and it shall be the duty of the secretary of State, to transmit without delay, a certified copy of this act, to Josiah Lamb, one of the above named commissioners, at New London, in Howard county.

#### CHAPTER CLXXXII.

coultr as though said Bergetha, at the date thereof, had been a duly

An act to legalize a certain conveyance therein named.

#### [APPROVED JANUARY 15, 1849.]

WHEREAS Hans Erasmus Hiorth, late of White county, Indiana, deceased, by his last will and testament bequeathed certain real estate to his wife Bergetha Hiorth in fee-simple;

AND WHEREAS said Bergetha afterwards intermarried with one Clans

L. Clansin:

AND WHEREAS said Bergetha, and her husband Clans aforesaid, did, on the sixteenth day of May, 1848, for a valid consideration, bar-

gain, sell, and convey, unto Robert C. Kendall and Charles W Kendall, in fee-simple, by deed bearing date the day and year aforesaid, the following real estate, being a portion of the real estate devised as aforesaid, to-wit: The north fractional half of section twenty-one, in township twenty-seven north, of range three west; also, the north fraction of the northwest quarter, of section eight, township twenty-seven north, of range three west; also, the south west quarter of the south east quarter, of section seventeen township twenty-seven north, of range three west; also, the east fraction of the south-west quarter, of section five, township twenty-seven north, of range three west; also, the north east quarter of section twenty, township twenty-seven north, of range three west; also, the south-east quarter of the south-east quarter, of sec. tion seventeen, township twenty-seven north, of range three west: also, lots number one and two, in section twenty-one, townshin twenty-seven north, of range three west; also, the east half of the north-west quarter, of section twenty, township twenty-seven. north of range three west; also, the north-east quarter of the north west quarter, of section nine, township twenty-seven north, of range three west; also, the west half of the north-west quarter. of section nine, township twenty-seven north, of range three west; also, the south east fraction of section eight, townshin twenty-seven north, of range three west; containing in all nine hundred and ninety-two acres, more or less, and situate in White county aforesaid;

And Whereas doubts are entertained as to the validity of said deed, on account of the alienage of said Bergetha, for remedy whereof:

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the forgoing deed of conveyance from Bergetha Clansin and Clans L. Clansin to Robert C. Kendall and Charles W. Kendall, for the lands described in [the] foregoing preamble, be and the same is hereby declared to be as valid and effectual in law and equity as though said Bergetha, at the date thereof, had been a duly naturalized citizen of the United States, and the title to said lands in fee-simple is hereby declared to be and vest in said Robert and Charles as fully and to the same extent as the same was in the said Hans Erasmus Hiorth at and before his death, or has been in the said Bergetha since his death.

Sec. 2. This act shall be in force from and after its passage.

# to before the thir IIIXXXIII and payment into the State treasury

An act for the relief of Elisha Driskill.

(APPROVED JANUARY 16, 1849.)

Whereas, It has been represented to the General Assembly of the State of Indiana, that Elisha Driskill, of the county of Washington and State of Indiana, did heretofore mortgage to Congressional township two north, of range two east, in the counties of Washington and Orange, the south-west quarter of section nineteen, in township three north, of range three east, in the county of Washington aforesaid, which said tract, by reason of the failure of the said Driskill to pay the principal and interest of the said mortgage at the time stipulated, was sold by the school commissioner and purchased by the township trustees of said township two north, of range two east, therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the township trustees of township two north, of range two east, in the counties of Washington and Orange, be and they are hereby authorized to allow Elisha Driskill to redeem the said south west quarter of section nineteen, in township three north, of range three east, upon such terms and conditions as to them shall seem just and equitable.

Sec. 2. This act to be in force from and after its passage.

## CHAPTER CLXXXIV.

An act to extend the time for making the annual settlement by the Treasurer of Kosciusko county.

#### (APPROVED JANUARY 16, 1849.)

Whereas, Mahlon F. Davis, Treasurer of Kosciusko county, died on the 8th of January, 1849;

And Whereas, By reason thereof some delay must necessarily occur in the collection of the taxes levied in said county, therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the treasurer of Kosciuske county shall for the year

1849, make his settlement with and payment into the State treasury on or before the third Monday of March, 1849.

SEC. 2. This act shall be in force from and after its passage: and it shall be the duty of the secretary of State as soon as possible to procure the publication of this act in the "Kosciusko Republican," which publication shall be at the expense of said county.

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An act to legalize the location of a certain State road therein named.

(APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana. That the location by Russell Mitchell and William Huston of Lawrence county, Patterson Parker of Brown county, John Hill and William Winkler of Jackson county, and David Lock of Bartholomew county, or such of them as acted in said said location of a State road from Hintonsville in Lawrence county, on the nearest and best route through Brown county, thence the nearest and most direct route to Columbus in Bartholomew county, and their proceedings therein be and the same is hereby legalized.

SEC. 2. This act to be in force from and after its passage.

#### CHAPTER CLXXXVI.

An act to locate a State road in the counties of Decatur, Jennings, and Bartholomew.

(APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Stephen Caaley of Jennings county, John Carson of Bartholomew county, and Israel Carson of Decatur county, be and they are hereby appointed commissioners to survey, mark, and locate a State road, commencing on the county line of Decatur and Jennings counties, where the Vernon and Mount Pleasant road crosses the same on the south side of the farm of John Barr, sr., in the county of Decatur, thence west on the line of said counties of

Jennings and Decatur, and Jennings and Bartholomew counties. or as near thereto as the nature of the case will admit, until it inter-

sects the Madison and Indianapolis State road.

SEC. 2. Said commissioners after the passage and publication of this act, shall meet at such time and place as they, or a majority of them may agree upon, and after taking an oath faithfully and impartially to discharge their duties as such commissioners, proceed to survey, mark, and locate said road on the best ground that can he had, and for the purpose of locating said road, said commissioners shall have the power to employ all necessary surveyors, chaincarriers, and markers, and when they have surveyed, marked, and located the same, they shall file a plat and discription of the same in the county Auditor's office, of the counties of Decatur, Jennings. and Bartholomew, and the same when so filed shall be recorded in

the respective county Auditor's office.

SEC. 3. That where said road runs on the county line of Decatur and Jennings, and the county line of Jennings and Bartholomew. the same shall be opened and repaired by the joint labor of the hands of the proper district of each county through which the same may pass, under the direction of the proper supervisors of each county, and where said road may run wholly in either of said counties, then the same shall be opened and repaired by the hands of the proper district through which the same may pass, under the direction of the proper supervisor thereof, and should the hands above referred to be insufficient for to open said road, then and in that case the boards doing county business in the said counties may assign to said supervisors any additional number of hands that said boards may think just and proper, or said county boards may adopt any other proper and lawful means that they may think just and proper for the purpose of opening said road.

Sec. 4. From the time the plat and survey of said road is filed and recorded in the county Auditor's office aforesaid, the same shall be a public highway, and the expense of surveying, marking, and making a plat of the same, and filing and recording the same, shall be paid for out of the county treasuries of the counties above named in proportion to the length of said road through said

counties.

Sec. 5. This act shall take effect and be in force from and after its publication. agont of ed bus socile sales liede soc sid T A.S. 1988

conings and Decator, and Jennings and Bartholomew counties or

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the Medison and Indianapolis State road of the

#### moltapilday ban a CHAPTER CLXXXVII. many bind a

An act to give effect to the last will and testament of Jane Parker.

(APPROVED JANUARY 5, 1849.)

WHEREAS, Jane Parker, late of Vanderburgh county, once a fugitive from labor, but at the time of her death a free woman of color died in said county in the year 1844, without leaving any heirs or kindred, having first made her last will and testament, whereby she directed her just debts and funeral expenses to be paid, and devised and bequeathed the residue of her estate, both real and personal, that should remain after the payment of said debts and expenses, to Rev. Jeremiah R. Barnes, and appointed said Barnes and John R. Wilcox executors of said will:

AND WHEREAS, The said Jane Parker was at the time of her death the owner of about forty acres of land in said county, and the said Barnes having maintained and taken care of the said Jane Parker during her last illness, and defrayed her funeral expenses and paid her debts out of his own funds, and being incompetent to take said real estate under said will by reason of his being one of the subcribing witnesses thereto; therefore,

nay think just and proper or said county boards may adopt any

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said Jeremiah R. Barnes shall take under and by virtue of said will the real estate of which the said Jane Parker died seized, in the same manner and to the same extent as he could or would have done of [if] some other competent and disinterested person had been a subscribing witness to said will in the place and stead of the said Barnes, and the devise of said real estate by said will to said Barnes, is hereby legalized and declared to be as valid as if some disinterested and competent person had been a subscribing witness to said will in the place and stead of the said Barnes.

SEC. 2. This act shall take effect and be in force from and after its passage.

college, bodies politic or corporate of like nature, within this State

CHAPTER CLXXXVIII. Das ob des to verd An act to incorporate the Trustees of the Greencastle Female Collegiate Seminary.

yant as single as (APPROVED DECEMBER 30, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That William C. Larrabee, with such other persons not exceeding seven in number, as he may associate with him, and their successors in office, be and they hereby are constituted a body politic and corporate under the name and style of the "Trustees of the Greencastle Female Collegiate Seminary," and by the said name and style they shall have perpetual succession and exist forever.

Sec. 2. That it shall be lawful for said Trustees to hold meetings at such times and such places as they may deem necessary, to sit on their own adjournment or the call of the proper officer, or [of] a majority of said Trustees; to appoint a Treasurer, Secretary, and such other officers as they may deem necessary; to fill all vacancies, which may occur by death, resignation, removal, or otherwise in their own body, and to establish such rules ordinances and bylaws as they may deem expedient.

Sec. 3. That it shall be lawful for said trustees to establish and maintain in the town, or vicinity of Greencastle, in Putnam county, and State of Indiana, a seminary of learning to be known by the name and style of "the Greencastle Female Collegiate Seminary," upon a plan the most suitable for the benefit of the youth of every class of citizens, and every religious denomination, who shall be freely admitted to equal advantages and privileges of education, and to all the literary honors of said seminary, according to their merit.

Sec. 4. That said trustees are hereby made capable in law, to have, possess, purchase, receive, enjoy, and retain, hold, or dispose of, for the use of said seminary, lands, tenements, and annuities, and other hereditaments in fee simple, or for a term of years, life, lives, or otherwise; and also of money, bonds, bills, notes, goods, chattels, interests, or effects, of whatever nature or kind soever, by the gift, bargain, sale, or devise of any person or persons, body politic or corporate, capable of making the same, to the amount of one hundred thousand dollars; and the same to grant, demise, sell, alien and confirm, in such manner as they shall deem most conducive to the interests of said seminary; to contract and be contracted with, to sue and be sued, to plead and be impleaded in any court or courts of record, before any judge, judges, or justices in this State and elsewhere, in all manner of suits, complaints, pleas, causes, matters, and demands of whatsoever kind, nature, or form they may be; and all and every other matter, nature, and thing to do, and all privileges, immunities, and exemptions to enjoy in as full and effectual a

manner and to as full extent as any person or persons, school or college, bodies politic or corporate of like nature, within this State.

may or can do and enjoy.

SEC. 5. That said trustees and their successors shall have full power to make and use a common seal, and the same to alter and renew at pleasure; to determine the course of study, to appoint in any manner they may deem expedient, a President and such Professors, teachers, instructors, instructresses, and assistants as may at any time be necessary to form an efficient faculty for the proper instruction of the students in the arts and sciences, and in all the necessary, useful, and ornamental branches of a thorough, liberal education; such as is taught in the best female seminaries, colleges. or academies; and such President, Professors, teachers, instructors. instructresses, and assistants shall be known by the name of "the board of instruction of the Greencastle Female Collegiate Seminary," and shall be capable of exercising such powers and authorities. rights and privileges, as may be conferred on them by the trustees.

SEC. 6. That for the purpose of stimulating and encouraging the pupils in their progress and promoting the general interests of the institution, the said trustees and board of instruction shall have full power and authority once in every year, or oftener if they deem it. expedient, to hold a public commencement, with exercises suitable to the occasion, and to graduate with literary honors, such pupils as shall from time to time, be found to have merited the same by their character and acquirements, and to confer on all those pupils whom they shall deem worthy thereof all such literary honors and degrees as are usually conferred by the best female seminaries, colleges, or academies; and may issue when they deem it expedient, testimonials or diplomas, bearing the seal of the seminary, and signed by the President of the board of trustees, and by the board of instruction.

SEC. 7. This act is hereby declared to be a public act, and shall be construed liberally for every beneficial purpose hereby intended; and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gift, grant, conveyance, or devise, to or for the benefit of the corporation be defeated or prejudiced by any omission, misdescription, or informality whatever.

Sec. 8. This act to take effect and be in force from and after its

barguin, sale, or devise of any person or persons, body corporate, capable of making the same, to the amount of one lune dred thousand dollars; and the same to grant, demise, sell, alien and confirm, in such manner as they shall deem most conducive to the interests of said seminary; to contract and be contracted with, to sue and be sued, to plead and be impleaded in any court or courts where, in all manner of suits, complaints, pleas, causes, matters and demands of whatsoever kind, nature, or form they may be; and all and every other matter, nature, and thing to do, and all privileges, immunities, and exemptions to enjoy in as full and effectual a

#### CHAPTER CLXXXIX.

An Act to incorporate a company to construct a Rail Road from Evansville, on the Ohio River, to connect with the Ohio and Mississippi Rail Road at or near Olney, in the State of Illinois, via. Princeton, Gibson county, Indiana, and Mount Carmel, Illinois.

#### (APPROVED JANUARY 2, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Lewis Howes, Conrad Stacer, Crawford Bell, James Laughlin, Jr., John S. Hopkins, George B. Walker, John Hewson, John Jugle, Jr., and Madison J. Bray, of the county of Vanderburg. Indiana; and Samuel Hall, Joseph Deven, James Boswell, John Arbuthnot, Samuel Archer, William Miln, William Embree, Alfred Poland, and John Lagow, of the county of Gibson, State of Indiana; and Joseph G. Bowman, of Lawrenceville, Alfred Kitchell, of Olney, and Joshua Bell, of Mount Carmel, in the State of Illinois, and all such persons as shall become stockholders agreeably to the provisions of this act, shall be and they are hereby constituted a body nolitic and corporate, in fact and in name, by the name and style of "The Evansville and Illinois Rail Road Company," and by that name, they and their successors shall and may continue for the term of seventy-five years, from and after the passage of this act, and shall and may sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter and renew at pleasure, and also to adopt, establish, and carry into execution, such by-laws, ordinances and regulations as shall by its president and directors be judged necessary or convenient for the government and management of said company, its officers, agents, superintendents and property; and the same to change, alter, repeal, annul, and re-enact, and shall have all other powers incident to corporations at common law. Provided, That such by-laws, ordinances, regulations, and powers be not contrary to this act of incorporation, the laws and constitution of the United States, or of the State of Indiana, or any other State through which or into which said road may pass or run.

Sec. 2. The corporation shall have the right and power to construct, and during its existence to maintain and continue a Rail Road with one or more tracks, and with such suitable turns, outs, sidelings, and other appendages, as may be deemed necessary for the convenient use of the same, commencing at Evansville, in Vanderburg county, and extending thence by way of Princeton, in Gibson county, to the Wabash River, at or near the mouth of Patoka. opposite to Mount Carmel, Illinois, and thence to intersect the Ohio and Mississippi Rail Road, at or near Olney, in the State of Illinois, or as nearly so as may be convenient and practicable; and the directors of said company may locate said road on such route as they may deem most convenient, practicable, and most conducive to the

interests of said company.

SEC. 3. The capital stock of said corporation hereby created shall be five hundred thousand dollars, to be divided into shares of fifty dollars each, which shall be deemed personal property, and be transferable in such manner as said corporation shall direct by its by-laws.

Sec. 4. That the persons named in the first section of this act. or a majority of them who may consent to act as such, shall he and they are hereby appointed [commissioners] whose duty it shall be to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they or a majorty of them shall think proper, giving due notice thereof prior to the opening of said books, in each of which books the following entry shall be made, to-wit: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our names, in such manner and proportions, and at such times as the president and directors of the Evansville and Illinois Rail Road Company may direct. Witness our hands this - day of ." And that the said books shall be kept open as long as the said commissioners or a majority of them shall think proper, or until two-thirds of the capital stock hereby created shall have been subscribed; and if any more subscriptions shall be taken than the amount of two-thirds of the said capital stock, it shall be in the power of the said commissioners or a majority of them to apportion the stock to the said subscribers, pro rata, always giving the preference to citizens of the State of Indiana.

Sec. 5. As soon as one thousand shares of the said stock shall be taken, and a sum equal to two dollars on each share subscribed paid to the commissioners, it shall be the duty of the said commissioners, or any five of them, to give due notice thereof in one or more newspapers, and in such notice appoint a time and place for the stockholders to meet and elect nine directors, and such election shall then and there be made by such of the stockholders as may choose to vote either in person or by proxy. Each share of the capital stock shall entitle the owner to one vote. Any two or more of the commissioners shall be inspectors of the first election of directors of said company, and shall certify under their hands the names of those duly elected by a plurality of votes given, and give over the subscription books, moneys, books, and papers to said directors, and the time of holding the first meeting of directors shall

be fixed by said commissioners.

Sec. 6. The first directors to be elected shall hold their offices until the next annual election and until others are elected, and every election of directors thereafter shall be held annually at such place or places as shall be fixed by the by-laws on the first Monday in October in each and every year; notice of the same being first given in such manner as the by-laws shall direct. Every election shall be held under the inspection of three stockholders not being

directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes given, either personally or by proxy, shall constitute a choice; no stockholder shall be eligible to the office of director unless he shall own at least to the amount of one hundred dollars of stock in said corporation. In case an equal number of votes shall be given for any two or more directors, the remaining directors shall by ballot determine which of said persons, so having an equal number of votes, shall be a director.

Sec. 7. In case it shall so happen that an election for directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved, but such election may be held at any other time directed by the by-laws of the corporation within one year after the day on which it should have been held; and the directors shall continue to

act until a new board shall be elected.

Sec. 8. That the said directors, or a majority of them, may supply any vacancy occurring in the interval, between the annual elections, by the death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer, a secretary, and all other officers, engineers, superintendents, and servants, that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security, for the due performance of their respective duties, as they may deem expedient. The said directors so soon as convenient after their election, shall elect one of their number to be president of the board of directors, whose duties shall be defined

by the by-laws of the corporation.

Sec. 9. The said corporation is hereby empowered to purchase, receive, and hold, such lands and real estate as may be necessary and convenient for the full accomplishing of the objects for which this act of incorporation is granted and made, and by their agents, surveyors, engineers, and other persons in their employ, enter upon and take possession of and use all such lands and real estate and materials as may be necessary for the construction and maintenance of their said Railroad and appendages; and the accommodations and appurtenances required and appertaining thereto; and it shall be lawful for the said president and directors, their agents, superintendents, and others in their employ, to enter at all times upon lands and water, to whomsoever they may belong, for the purpose of exploring, surveying, leveling, or laying out any proposed route or routes, for the said Railroad, and to erect all necessary embankments, works, and appendages of the said survey, and make such marks and monuments to indicate and perpetuate the lines and descriptions of the said route or routes, doing no unnecessary injury to private or other property, and being liable for damages to the owner of any such lands or property for any injury that may be done thereto; and may also acquire, hold, and possess, by purchase, devise, or voluntary grant from the General or State Government,

or from any corporation, company, individual, or individuals, any lands and real estate within the States of Indiana and Illinois, to aid in the construction, maintenance, and accommodation of said Railroad, completely vesting in the said corporation absolutely in fee simple the same, with power and authority in law to pledge, mortgage, bargain, sell, and convey the same, to aid in carrying into full effect the intents and objects of this act of incorporation; Provided. That the lands to be held by this corporation during the time of the existence of this charter, shall be confined to such lands only as are necessary for the construction, and maintenance, and accommodation of said Railroad and appendages, not exceeding one hundred and fifty feet on each side of the centre line of said road. and such other plats of land as shall be necessary for the erection of warehouses, engine-houses, work-shops, stables, reservoirs for water, and other buildings on the route and at either termination of the said Railroad, and all other lands and real estate whatsoever, in any manner howsoever acquired, shall be sold and disposed of by the said corporation within fifteen years from and after the passage of this act; and no other lands or real estate shall be afterwards acquired by the said corporation, but all lands and real estate entered upon for materials or the road-way, which are not donated to or owned by the company, shall be purchased by the corporation of the owner or owners thereof, at a price to be agreed upon mutually by the company and the owner or owners. In case of a disagreement as to price, and before taking any materials or making any part of said Railroad on land in controversy, it shall be lawful for the commissioners, engineers, superintendents, or other authorized person or persons of said company, to apply to some justice of the peace in and for the county in which the land may be situate, and have such justice of the peace to cause six freeholders, not interested) in the lands or materials in controversy, or in any way likely to come in controversy, to be summoned and duly sworn faithfully and impartially to examine the lands or materials to be pointed out to them by the commissioner, engineer, superintendent, or other authorized person or persons, and reasonable notice having been given to the owner or owners of the lands or materials, if known and residing in the State, said freeholders shall assess the damages which they shall believe such owner or owners will sustain over and above the additional value which such lands or other lands of the same owners in the vicinity, will derive from the construction of the said Railroad, and make a report signed by at least a majority of them, a copy of which they shall deliver to the commissioner, engineer, superintendent, or other person or persons aforesaid, requiring said view and assessment and the said report to the justice of the peace; and the amount of the damages if any, and costs being paid, the road may be forthwith located, constructed, and materials taken without any let or hindrance by the said owner or owners, their heirs or assigns, and the Circuit court of the proper county acting and sitting as a court of chancery, in case no appeal is taken as hereinafter provided for,

may order and direct a conveyance of the lands so necessary to the construction of the said Railroad. If either party shall be dissatisfied with the valuation where lands are in question, an appeal may be taken in thirty days to the Circuit court of the proper county, by petition setting forth the facts of the case, describing the lands and the premises and the necessity of taking such lands for the purpose of making and maintaining said road and appendages, and the attempt and failure to purchase the same, the name or names of the owner or owners of the lands if known, and the reasons why the nurchase cannot be made; and the Circuit court aforesaid acting and sitting as a court of chancery, shall direct such notice to the owner and parties as shall be deemed reasonable, of the time and place of hearing the parties in the premises: Provided, however, That in case the appellee shall have seven days notice of the taking of the appeal, no further notice shall be necessary, but such court shall proceed to hear and determine said case as speedily as practicable; and upon proof of the service of notice of the appeal, and upon hearing the testimony of the parties, (which may be taken orally or by depositions,) shall make such order and decree in the premises as to them may seem proper and equitable, and may either increase or diminish the amount of damages assessed, or reject the said petition altogether, and shall also make such order for the payment of costs as shall be just and proper. The said court shall order a conveyance of the land in controversy to the corporation, when the decree of the court shall be complied with on the part of the corporation, and whenever said order and decree shall be fully complied with on the part and in behalf of the said corporation, it shall be possessed of the lands aforesaid, and may enter upon and take possession of and use the same, for the purposes aforesaid. In cases where difficulties shall arise as to the value of materials which may be needed to construct said work, or the amount of damages done by the agents of the company in passing through lands and collecting materials as aforesaid, there shall be no appeal to the Circuit court unless it shall appear to the justice of the peace that it is right and necessary to justice; but he may set aside the first valuation, Provided, the same be done within three days after the return of the report of the freeholders aforesaid, and appoint six other commissioners, being freeholders as aforesaid, to appraise and value the materials or damages mentioned as aforesaid, whose award in the premises shall be final, and who shall apportion the costs as may appear just to one or both parties; Provided, nevertheless, That nothing in this charter shall be so construed as to prevent the president and directors by themselves, their superintendents, agents, or laborers from cutting down and clearing away any and all timber that may fall in, upon, or across the line of said road, the company being liable for damages that the owner or owners of any such timber may sustain by reason of having it so cut down; which damages shall be ascertained and paid in the same manner as is above provided for the assessment and payment of damages.

Sec. 10. In case any married woman, infant, idiot, or insane person, or non-resident of the State, interested in any lands or real estate, shall not appear after such notice, the Circuit court or justice of the peace shall appoint some competent person to appear before said freeholders or commissioners, and act for and on behalf of such married woman, infant, idiot, or insane person, or non-resident of the State.

Sec. 11. The president and directors aforesaid shall cause such examination and survey for the said Railroad to be made, as may be necessary to the selection of the most advantageous line, location, course. or way for the said road, on the route set forth in the 2nd section of this act; and shall after such examinations and surveys be made, select, and by certificates under their hands and seals, or under the hands and seals of a majority of them, designate the line, location, course, or way, which they or a majority of them shall deem most suitable. and advantageous for said road, a copy of which certificate shall be filed in the clerk's office of each county through which said road shall pass, and be recorded and preserved in said clerk's office at the expense of said corporation; and on said line, location, course, or way, the corporation shall construct, erect, build, and make the Railroad contemplated by this act, unless the said corporation shall after-

ward find it necessary to change or alter the same.

Sec. 12. When the route, line, location, course, or way of the said road, or any division, portion, or section thereof, shall be determined upon as provided for in the preceding section, it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, and workmen to enter on the said line or location of the road, and to erect embankments, bridges, viaducts, culverts, and all other work necessary to lay rails thereon, and to do all other things which shall be suitable and necessary for the effectual completion of the said road; and so soon as said road or any division, portion, or section thereof shall be completed and ready for use, the said corporation are authorized and empowed to procure and place cars and carriages thereon, for the purpose of transporting persons and property of every description; and may use any description of power or powers on said road that they may deem most useful, safe and expedient; the president and directors shall by rules and regulations to be adopted and published from time to time, regulate the time of departure and arrival of cars and carriages, the rate of speed and travel on said road, the description of cars and carriages to be employed, the weight of load for each, and all and every matter and thing necessary for the safety and accommodation of persons and property to be by them transported on said road; and the said corporation shall be liable for the acts of their officers, agents, and other persons in their employ and engaged in the transportation of persons and property on said road, in like manner as all common carriers are liable in law.

Sec. 13. The said corporation is hereby authorized to transport persons and property on the said railroad, and shall have power to erect and maintain toll-houses, ware-houses, engine and carriages

houses, workshops, reservoirs, and all other necessary buildings for the accommodation of their concerns; and from time to time to fix, regulate, demand, and receive the tolls and charges to be by them received for the transportation of persons and property, and for the storage of merchandize and other property placed under their charge; Provided, That the net toll and charges after deducting the amount of all costs and charges and expenses in maintaining the said road and appendages, and a reasonable allowance for the wear and tear of the same, and of the carriages and cars used on the same, and the wear and tear of buildings and bridges, their insurance against accidents by fire, and also incidental charges of transportation and officers and servants of the company, shall not exceed twenty per centum per annum on the capital stock invested by the said corporation, for ten years, taken together.

Sec. 14. Seven directors of said corporation shall form a board, and they or a majority of them shall be competent to transact all the business of the corporation; and it shall be lawful for the said directors to require payment of the sum subscribed to the capital stock at such time, and in such proportions, and on such conditions, as they shall deem fit and right, and shall give notice for the payments thus required, and of the time and place thereof at least twenty days previous to the day of payment, in some newspaper printed weekly in this State, on or nearest to the route of said road; and they are authorized to receive new subscriptions to any of the capital stock not previously taken and subscribed, under such regulations as they shall provide for by their by-laws, and to give notice thereof at least thirty days previous to the opening of the books to receive such subscription; and in case any stockholder shall fail or refuse to pay stock due from him, her or them, on any installment thereof, as required in this section, the payment thereof may be enforced by an action at law or suit in chancery, as the case may require, to be brought in any court of competent jurisdiction, in the name of the corporation aforesaid as plaintiff, and against the stockholder or stockholders thus failing or refusing to pay; and property real or personal levied upon for the satisfaction of any judgment or decree in that behalf, shall be sold without any relief from any valuation or appraisement laws.

Sec. 15. Whenever it shall be necessary for the construction of the said railroad to intersect or cross any stream of water or water course, or any road or highway between the places mentioned in the second section of this act, for the commencement and termination of the said road, it shall be lawful for the said corporation to construct said railroad across the same, but the said corporation shall restore the said stream, or water course, or road, or highway, thus intersected to its former state, or in such a manner as not to

impair its usefulness.

Sec. 16. The said corporation may at their option construct their bridges, viaducts and crossways, of sufficient width to admit of the passage of the common road travel; and may demand and receive such reasonable toll for the passage of persons, wagons

vehicles, and live stock, over the said bridges, viaducts and crossways, as may be fixed by the said company, and printed and posted up at some conspicuous place, on or near the said bridge, structure or crossway, and also construct such lateral branches to the said railroad, for the accommodation of points not accessible to the main line as they may think proper, which said lateral branches shall be made under the same restrictions as the main line.

SEC. 17. The State of Indiana reserves the right of crossing the said railroad at the expense of the said State in any internal improvement hereafter deemed expedient by the legislature; and said incorporated company shall not in crossing any stream of water with said railroad impair the navigation thereof, and the said State. reserves the right of improving the navigation of any such streams in any manner the legislature may authorize; and when said route for said road is selected and the same located, the certificates thereof filed in the proper clerks' offices, as contemplated in the eleventh section of this act, said company shall not have the right of relocating any part of the road, so as to run more than two miles from the route first located.

Sec. 18. The whole of the stock of the corporation shall be taken and deemed as personal property, which together with all tools. implements, machinery, and apparatus of every description, used and employed, or on hand belonging to said company, shall be liable to be seized, executed, and sold after judgment or decree to make good any contract, agreement or stipulation, made by any agent, superintendent, or other authorized person or persons of said

company.

Sec. 19. It shall be lawful for the president and board of directors of the corporation to borrow money from time to time, for the sole purpose of constructing the railroad hereby authorized to be constructed, and to pledge the property of the corporation, real, personal, and mixed, for the repayment thereof with the interest which may accrue.

Sec. 20. It shall be lawful for the boards of commissioners, or boards doing county business and having control of the finances and property of any county through which said railroad may pass, to subscribe for and pay to the directors or other proper officer of said company, for and on behalf of said counties respectively, as many shares of stock, and such amount of stock as such board of commissioners or boards doing county business [may think proper, which subscription shall be made as follows: the said boards of commissioners, or board doing county business, shall enter upon the proper record or minute book of their proceedings, an order or resolution, substantially as follows:

"It is ordered," or "Be it resolved" that shares (stating the number) of stock in the Evansville and Illinois Railroad Company, be and the same are hereby subscribed for and taken in the name of and in behalf of the county of (inserting the names of the county).

And thereupon it shall be the duty of the auditor of any such county or the officer who may be the clerk of the board doing county business, in the name of the county upon the proper supscription books of said company, to sucscribe for the number of shares named in such order or resolution, and at the same time he shall deliver to the person or persons having charge of such subscription books a certified copy of said order or resolution; and after such order and subscription shall be made, it shall be the duty of such board of commissioners, or board doing county business, to provide from time to time for the payment of said stock, and cause the same to be paid by the county treasurer upon the drafts of the county auditor, at the times and in the proportions that the stock taken by individ-

uals may be payable.

Sec. 21. The board of commissioners, or board doing county business of any county in behalf of which stock shall be taken and subscribed as aforesaid, may provide for the payment thereof, or any part thereof, either by a tax ad valorem, to be assessed, levied, and collected in the same manner that other taxes are levied and collected for county purposes and at the same time; and the payment of such tax shall be enforced in the same manner and subject to the same laws as other taxes for county purposes; or by borrowing money upon bond or otherwise [on] the faith and credit of the county, or by issuing such bonds and delivering the same to the directors of said company instead of money, provided said directors are willing to receive the same: And provided further, That no bonds to be issued as aforesaid shall be sold or in any [way] disposed of so as to make the county liable for the payment thereof for any sum less than that expressed in and promised by said bond, to be paid exclusive of interest; nor shall any money be in anywise borrowed either directly or indirectly in the name or behalf, or upon the faith and credit of any such county, at any rate of interest greater than six per cent. per annum.

Sec. 22. At the same time that any bonds may be issued or money borrowed in the name or upon the faith and credit of any county as aforesaid, and from time to time thereafter, as often, and at such times as the terms of said bonds or other contracts for the loan of money may require, it shall be the duty of the boards aforesaid to provide for the payment of the interest upon such bonds and money borrowed, and cause the same to be paid when due in the same manner that other debts and expenses of the county are or may be at the time provided for and paid. And there shall be created in such counties a sinking fund for the payment of such bonds and money borrowed as aforesaid; and the said sinking fund shall be created by annually setting apart the dividends or profits upon the stock subscribed, which may be realized, and a portion of the ad valorem tax annually collected in such county; and the sums thus set apart shall be such that all of them added together and the interest thereon will amount to a sum at least sufficient to pay, when due, the principal expressed in said bonds for such borrowed money.

Sec. 23. The money annually set apart for a sinking fund as aforesaid, shall be placed in the hands of the county treasurer of the proper county, and by him received and kept, and disbursed; and the same shall constitute a permanet fund, which shall not be appropriated to any other purpose than the payment of said bonds and borrowed money; and the same shall be kept constantly loaned by the same officers, in the same manner, upon the same terms and security, and for the same rate of interest as the surplus revenue is authorized and required to be loaned in such county until the same shall be required for the payment of said bonds and borrowed money.

Sec. 24. The board of commissioners, or board doing county business aforesaid, shall not subscribe for stock or cause the same to be done, unless a majority of the qualified voters of the county. at an election to be held for the purpose, shall vote in favor thereof. An election shall be held for the purpose aforesaid, and polls be opened at the usual places of holding elections in such county on such day as the boards aforesaid may direct and appoint, and such election shall be conducted by the officers, and be in all respects governed by the laws regulating the election of county officers; and on the second day after such election the several inspectors thereof shall meet at the court-house of the county and compare the votes cast and certify under their hands the result of such election, and forthwith deliver such certificate to the county auditor, who shall lay the same before the board aforesaid at their next regular meeting, and said board shall cause the same to be recorded among the minutes of their proceedings.

Sec. 25. If at an election held as aforesaid a majority of the votes given should be against taking stock in said Railroad Company, other elections for the same purpose may be held at such times as shall be fixed and ordered by the proper board of commissioners or board doing county business, and every such election shall be conducted, and every duty therewith connected shall be

discharged as in this act is provided.

SEC. 26. The Common Council of the City of Evansville may in the name and on behalf of the said city subscribe for and take stock in said company, which shall be done in the following manner, to-wit: The said Common Council shall pass and cause to be recorded in the minutes of their proceedings an order or resolution

substantially as follows:

"Resolved, That the City of Evansville will and does hereby subscribe for and take - shares of stock (specifying the number of shares subscribed) in the Evansville and Illinois Railroad Company." And thereupon it shall be the duty of the clerk of said city to make out and attest a copy of said resolution and deliver it to the Mayor of said city, who shall certify the same under the corporate seal of the city, and deliver it to the person or persons authorized to receive subscriptions for said stock, and at the same time the said Mayor shall, in the name and in behalf of said city, enter upon the proper subscription book a subscription for the numher of shares specified in such resolution.

SEC. 27. No stock shall be subscribed for or taken in the name or in behalf of said city as aforesaid, unless it shall have been aspertained by means of an election held for the purpose that a majority of the qualified voters of said city are in favor thereof, and for that purpose one or more elections may be held at such time or times and place or places in said city as the Common Council shall appoint; and said election shall be conducted in such manner as said Common Council shall order and prescribe.

SEC. 28. If stock shall be taken in said company in behalf of said city as above prescribed, the Common Council of said city may, in the name of said city, issue bonds or borrow money for the payment thereof in the same manner as hereinbefore provided in cases where stock is taken in behalf of counties, and shall pledge the faith and credit of the said city for the payment of such bonds or

horrowed money and interest on the same.

Sec. 29. When bonds are issued or money borrowed in the name of said city in pursuance of this act, it shall be the duty of the Common Council of said city to provide for the payment of the principal and interest on such bonds or borrowed money by ad valorem taxation of all the real or personal estate subject to taxation in said city for city purposes; and in addition to the payment of the interest on said bonds or borrowed money as the same becomes due, the Common Council shall provide a sinking fund for the payment of the principal by annually setting apart the dividends and profits derived from said road and such a portion of the taxes aforesaid as that all the sums thus set apart annually, with accruing interest thereon, will be sufficient to pay the principal of said bonds or borrowed money when the same shall be due. And the sinking fund thus created shall be a permanent fund, and be applied to no other purpose than the payment of said bonds or borrowed money. And the said Common Council shall have power to make such laws, rules, and regulations for the collection, safe-keeping, loaning, and disbursing the same: Provided, however, That the said sinking fund shall not, nor shall any part thereof be loaned for any greater rate of interest than seven per cent. per annum, nor unless the repayment of the same is secured by moragage upon unencumbered real estate, within this State, of at least double the value of the sum loaned.

Sec. 30. The taxes to be levied and collected in pursuance of this act shall be in addition to the taxes now authorized to be levied and collected for county and city purposes; and taxes assessed under the provisions of this act, by order of the board of commissioners shall be levied and collected with and as a part of the annual ad valorem tax levied and collected for county purposes, and subject to the same rules and regulations; and the taxes levied in pursuance of this act,

by order of the common council, shall be levied and collected with and as a part of the taxes regularly and annually assessed and collected for city purposes, and subject to the same laws and regulations

SEC. 31. Nothing in this act contained shall be so construed as to affect the powers granted to the common council of the city of Evansville by the 40th clause of the 30th section of the charter of said city, entitled "An act granting to the citizens of the town of Evansville in the county of Vanderburg a city charter, approved January 27th, 1847." but the powers hereby granted shall be deemed cumulative, and in addition to those granted by the said 40th clause of the thirtieth section.

SEC. 32. Any incorporated city or town in either of the counties through which the Evansville and Illinois railroad may pass, may by and in the name of said corporation subscribe for any amount of stock in said railroad that may be agreed upon, under the same rules, restrictions, liabilities, and limitations, that the city of Evansville is by this charter authorized to subscribe stock in said road.

Sec. 33. It shall be the duty of the Board doing county business or Boards of commissioners in the several counties through which said railroad may run, at the proper costs and charges of the President and directors of said railroad company, to cause twenty days notice of the election to be held on the day they may designate, to be given by publication in all the newspapers published in the county in which said election is to be held, and by posting up at least three printed notices thereof in each of the townships in said county, and the vote taken at said election shall be viva voce; and shall be for

or against a subscription of stock in said company.

Sec. 34. That if any person or persons shall willfully by any means whatsoever injure, impair, or destroy any part of the railroad constructed by said company under this act, or any other works, buildings, materials, or machinery of said company, or place any obstruction upon said railroad by means of which the locomotive, cars, or other property of the said company, or any individual property may be injured or destroyed, in addition to the ordinary civil remedies provided by law for the recovery of damages, the individual or individuals thus offending shall be subject to an indictment therefor in the proper circuit court, and if convicted shall be fined in any sum not exceeding double the value of the property destroyed or injury done, and imprisoned in the jail of the proper county for any period of time not exceeding six months, or if in the opinion of the court or jury trying the cause, fine and imprisonment in the county jail as above provided are not sufficient, the defendant may be imprisoned at hard labor in the State's prison for any term of time not exceeding fourteen years.

Sec. 35. That full right and privilege is hereby reserved to the citizens of this State and the State of Illinois, or any company hereafter to be incorporated or heretofore incorporated under the authority of either of said States, to connect with the said railroad hereby provided for at such convenient point as may be selected by said company last mentioned: Provided, Said connections shall be formed with said railroad on terms usual in such cases, and that in forming such connection no injury shall be done to the works of the company hereby incorporated.

Sec. 36. The said corporation shall in no case directly or indirectly engage in any kind of trade, or deal in merchandize, other than such as may be necessary or proper to carry into effect the objects contemplated by this act, nor shall said corporation under any pretext whatever, enter into a banking business, for the purpose of receiving deposits, making discounts, or issuing bills of credit, or bills, or receipts of any kind [or description], to pass as a circulating medium.

Sec. 37. No higher rate of an ad valorem tax or other tax shall be imposed upon the stock or property of said company, than is imposed upon stock or other property in the State in ratable proportion to its value or income, and that only upon, or in proportion to, the actual cost of [the] construction of said road within the State of In-

diana.

SEC. 38. If this road shall not be commenced within five years from the passage of this act, and completed in fifteen years thereafter to the Illinois State line, this act shall be void, unless further time shall be given by the legislature to complete the same.

SEC. 39. This act shall be deemed and taken as a public act, and as such shall be taken notice of by all courts of justice in this State, without the necessity of pleading the same, and shall be in full

force from and after its passage.

Sec. 40. That should the Congress of the United States make a donation of lands to aid in the construction of said railroad which should be accepted by said corporation, then and in that case the United States in time of war shall have the right to transport troops, munitions of war, and provisions for the army, free of toll or other charge on said road.

Sec. 41. Should the capital stock herein created not be sufficient to complete the contemplated work, the corporation may from time to time increase the same, and whenever necessary reopen their books for the subscription of stock, and all stock thus subscribed shall be paid in under the same rules and regulations that are pro-

vided for the payment of the original stock.

Sec. 42. The president and directors of said company shall be liable in their individual capacity for all debts contracted by them in the name and behalf of said company, beyond the amount of solvent stock subscribed; and the legislature reserves the right to alter, amend or repeal this charter if the president and directors shall violate any of the privileges conferred upon them by this act of incorporation.

#### CHAPTER CXC.

An act to amend an act entitled "An act to reduce the law incorporating the city f Madison and the several acts amendatory thereto into one act and to amend the same"—approved February 14, 1849.

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the 7th section of the act to which this is an amendment, as makes it the duty of the clerk to notify the councilmen of called meetings in writing, shall be construed to be directory, and a neglect thereof shall not vitiate any proceeding had in such meeting.

SEC. 2. That in all cases where the act to which this is an amendment authorizes the forfeiture of an article in the market for a violation of ordinances or rules, the common council may impose penalties instead thereof.

SEC. 3. That whenever a special authority is given to the common council, such as building a city hall, work-house, or [other] authority requiring the expediture of money, the common council is hereby authorized to levy a special tax for such purposes.

SEC. 4. That in all cases where the lowest bidder is mentioned in the act to which this is an amendment, it shall be construed to mean the lowest and best bidder.

Sec. 5. That the collector, treasurer, marshall, assessor and all officers appointed by the common council shall be subject to be removed from office by a vote of two-thirds of the common council elected, for a good cause shown, which cause or causes shall be set forth in charges against such officer and spread on the minute book, a copy of which shall be furnished to him and he permitted to be heard by self or council, if desired.

SEC. 6. That the ordinary transactions of the board such as assessing the ordinary or extraordinary taxes for the city, apportioning and assessing property for improvements made on streets, lanes, alleys, wharves, crooked creek, or other property, or directing such improvements to be made or any other matter having special reference to a particular object or which in its nature may be directory, shall be enforced or carried out by order or resolution of the board made by the requisite majority and entered on the minute book.

Sec. 7. That all ordinances shall be enrolled in a separate book kept for that purpose, and shall be signed by the president or vice president, proper in such book, or by the person presiding at any particular meeting under the instruction of the common council, and such signature shall be valid and make the ordinance in full force from the time of such signature.

Sec. 8. That any vacancy that may happen in the common council, shall be filled by special election, as directed in the 19th section of the act, to which this is an amendment, and may be held

at one or more places in the city, as may be directed by the common council, and may not be confined to the ward where such vacancy occurs, but may be held in any other ward.

Sec. 9. That the assessor or collector, as the case may be, shall receive lists of taxable property from the persons owning the same, as directed in the 23d and 33d [sections] of the act to which this is an amendment, which bill shall set forth the real estate owned in the city by its number or other description, and value thereof, stocks, or interests in banks, railroads, steamboats, insurance offices, or other stocks absolutely paid for or the amount paid thereon. The value of goods and produce not for export or in transit, owned or in possession of any inhabitants of the city, and the value of all ordinary personal property together with money at interest, as also dogs, bitches, hogs, and other property named in the act of incorporation, all of which shall be subject to taxation by the order of the common council; and such owner of such property, money, or effects, or the agent thereof, shall sign his or her name to such list and swear or affirm that it is a just and true list of all the property which they understand to be taxable for city purposes, and that the value put thereon, is a fair and proper value to the best of their knowledge and belief, which list shall be certified by the assessor or collector, as aforesaid.

Sec. 10. That if the list so furnished by the owner or possessor of such property as aforesaid, shall not be a true list of such person's property, or shall not have a fair value placed thereon, and such person shall be adjudged by the mayor to have committed a a fraud in thus delivering his list of taxable property or by placing too low a value thereon, such person shall be fined double the amount of what the additional tax would have been if a fair list or value had been given, which fine shall be paid [into] the city treasury, as other fines are, or if it is adjudged that no fraud has been committed, but [that] it was an honest mistake in judgment, then the mayor shall adjudge that the additional property or value be placed on the tax-roll, which shall be done accordingly; Provided, that [if] the common council shall not, in their order, specify a portion of the articles above enumerated as subjects of taxation, then such portion as may not be named by their class in such order, need not be put in a list as aforesaid.

Sec. 11. That the property on streets improved, as directed in the 45th section of the act to which this is an amendment, may be assessed to pay for such improvement in proportion to the front foot lineal on said street, alley, lane, wharf, creek, or other property; and Crooked Creek within the limits of said city shall be under the control of the city authorities as are the streets, lanes, [and] alleys and may be ordered to be straightened and improved as streets, lanes, and alleys are ordered to be improved in the act to which this is an amendment.

SEC. 12. That whenever the common council shall find it for the interest of the city at large, or for the property holders near to any section of Crooked Creek, or that it is for the health of a portion of

the inhabitants of said city, for Crooked Creek to be straightened or changed in a particular section of the city, and three-fourths of the common council, shall be in favor of straightening or changing the same, they shall order it to be done, setting forth distinctly the points of straightening or changing, and shall by order or resolution cause the damage that may be done to any one by such change to be assessed, and shall, by like order or resolution, apportion and assess on the property specially benefitted by such change, a sum sufficient to pay such damages and also to make such change or improvement; and such assessment may be made on the property adjacent and near to such creek, or on the whole [city] property or may be apportioned on such as to them may seem reasonable and iust.

Sec. 13. The common council may divide the orders made to persons for convenience at their discretion, anything in the 72d section of the act to which this is an amendment, to the contrary notwithstanding.

Sec. 14. After the first Monday of April next, the collector shall be treasurer of the city, with [without] compensation, except as collector, and the common council shall provide by ordinance, for the manner in which said collector shall act as collector and treasurer, with

whom he shall settle, and how he shall report.

Sec. 15. That the common council shall have power to name any street or alley in the city, or to change the name thereof, three fourths of all the council elected concurring in the changing of any name of a street or alley, and they shall have power to widen any street or alley, or reduce its width, being accountable for the damages done to any individual by such act; and they shall have the power to fix the corners of blocks or lots and make certain the location of streets and where there has been error, unintentional, committed in erecting buildings, placing the position of streets or alleys, or where there may be doubts as to proper locations, said common council may re-locate such streets and alleys and such lots and blocks, having due regard to the rights of individuals, and may assess any damage that may be done to any one or more of her citizens by such re-location, and assess sufficient on other property. which derives advantage from such re-location,] sufficient to pay such damage and to make such just apportionment of damages incurred and benefits derived in any section thus re-located as may be just and right.

Sec. 16. That in all cases when any person may refuse or neglect to furnish the list of taxable property as above required, or shall refuse to swear to the same, the assessor shall make [out] a list from the best information he can get, and shall also fix a valuation on the

same to the best of his judgment.

Sec. 17. That the common council shall have power whenever they think, best to appoint one discreet person from each ward, or [a] less number from the city at large to equalize the value of the real

estate in the city of Madison, and such equalized valuation shall be the value for the time being on which the assessment is made.

Sec. 18. That the president of the common council, or the person presiding over the council while in session, shall have the power to swear witness [witnesses] or others with regard to any matter pertaining to the business of the council or which may be under consideration by the council.

not approved 20th Jamesey 1846, divorced Jacob Whisler from his

the Warrang, The said Jacob Whisler is the corner of valuable

lands and personal property, a considerable portion of which

Sec. 19. This act to take effect to be in force from and after its

## CHAPTER CXCI.

An Act to authorize Patsey C. Paden to sell certain real estate she inherited from her father.

## [APPROVED JANUARY 5, 1849.]

Whereas, It is represented to the General Assembly that Patsey C. Paden inherited from her father, the late Captain Jacob Warrick, one hundred and sixty acres of valuable land lying in Gibson county in this State-[that] in the month [of] April, 1845, the said Patsey C. Paden, and her husband, Jacob A. Paden, gave a lien on said tract of land, to secure the payment of certain debts they jointly owed-that about the time the deed creating said lien was executed, and probably before that time, the said Jacob A. became deranged, and ever since has been and now is totally incapacitated from transacting any business whatever. It is further represented that the said Patsey C. Paden is desirons of selling said tract of land, pay off the lien against it, and apply the overplus to her own use, but that she has not the legal right so to dofor remedy whereof,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Patsey C. Paden, of the county of Gibson, be and she is authorized and empowered to bargain, sell, and convey, all the lands, tenements, and hereditaments she inherited from her father, the late Captain Jacob Warrick, by descent or otherwise, in the same manner, and to have the like force and effect as if the said Patsey C. was a feme sole: Provided, This act shall not affect the rights of any creditor who may have a lien on said land.

Sec. 2. This act to take effect and be in force from and after its

passage.

#### CHAPTER CXCII.

An Act for the relief of Lavina Whisler.

#### (APPROVED JANUARY 5, 1849.)

Whereas, The General Assembly of the State of Indiana, by an act approved, 20th January, 1846, divorced Jacob Whisler from his wife, Lavina Whisler, without any allowance for alimony;

AND WHEREAS, The said Jacob Whisler is the owner of valuable lands and personal property, a considerable portion of which he received by virtue of his intermarriage with the said Lavina; Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said Lavina be and she is hereby authorized to file and prosecute a suit in the Tipton circuit court, on the chancery side thereof, against the said Jacob Whisler, for alimony.

SEC. 2. That the said court, in the trial and decision of said suit, shall, so far as applicable, be governed in every respect as it would

be on a trial in a suit for divorce and alimony.

deranged, and over time has been and now is totally in-

apasitated from trapsacting any business whatevers. His further

SEC. 3. All laws and parts of laws coming within the purview of this act be and the same are hereby repealed. This act to take effect and be in force from and after its passage.

## CHAPTER CXCIII.

An Act to incorporate the Brookville and Fairfield Turnpike Companp.

## [APPROVED JANUARY 11, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That James H. Speer, John Palsor, Abner McCarty, Thos. Glidewell [Slidewell.] James Wright, and Samuel Miller, of the county of Franklin, and James Osborn, of the county of Union, and their successors in office, be and are hereby constituted a body politic and corporate, by the name and style of the Brookville and Fairfield Turnpike company, with power to sue and be sued, plead and be impleaded, contract and be contracted with, and to make all rules and by-laws to enable them to carry into effect the objects of their incorporation.

Sec. 2. The capital stock of said corporation shall be twenty

thousand dollars, or such sum as may be necessary to make the road, to be divided into shares of fifty dollars each.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree upon, and organize said corporation by electing a president and secretary.

- SEC. 4. Said corporation shall have power to survey, locate, establish, and make, a turnpike road, from the public square in the town of Brookville to Fairfield, and to appoint all surveyors, agents, and servants, that may be necessary; said road shall be made at least fifty feet in width, and shall be McAdamized at least fourteen feet wide.
- SEC. 5. The directors herein named, or a majority of them, shall cause books to be opened for subscription to the capital stock of said company, at such times and places as they may direct, and determine the times, places, and instalments of the same to be paid, and may take notes on subscription, in such form as said directors may agree upon.

Sec. 6. As soon as sufficient stock is subscribed, in the opinion of the directors herein named, to make said road, notice shall be given to said stockholders, by publication in some newspaper, that an election will be held at some time and place therein named, for the election of seven directors of said company, and each share shall entitle the holder thereof to one vote for the same.

Sec. 7. Certificates of stock shall be given to the stockholders, signed by the president and secretary, and said stock shall be transferred on the books of said corporation only, and said stock shall be liable to forfeiture and sale by said company for default upon the part of any stockholder to pay up the same.

SEC. 8. Said corporation may receive subscriptions of stock in labor or materials, to be rendered or delivered at such times, places,

and manner as may be agreed upon.

SEC. 9. Said corporation shall have power to locate said road upon any county or State road, or upon the lands of individuals, and also to use gravel or other materials that may be necessary in its construction, by making compensation as in the next section provided, in case the same cannot be procured by voluntary grant or contract at a fair price.

SEC. 10. Where any person shall [be] aggrieved by the location of said road, or sustain any damage by the use of gravel or other material, he shall first file his claim for the same with the president or secretary of said company, and if the same be not paid, he shall file the same with some justice of the peace, who shall summon a jury of six men to assess said damages, said justice giving three days' notice of the same to said company; and either party shall have the right of appeal from said finding and judgment of said jury and justice to the circuit court of Franklin county, and execution shall issue upon said judgment as in other cases.

S<sub>EC</sub>. 11. Said corporation shall begin the construction of said road within two years, and finish the same within five years.

SEC. 12. The following shall be the rates of toll to be collected for the use of said road from Brookville to Fairfield: For every two or four wheeled carriage, drawn by one horse or other animal, ten cents; for every horse or other animal, in addition, two and a half cents; for every sleigh or sled, drawn by one horse or other animal, ten cents, and two and a half cents for each additional horse or animal; for every horse and rider, not exceeding ten cents; for each horse, mule, or ass, led or driven, not exceeding three cents; for every head of neat cattle, one cent; for each hog or sheep, one-third of a cent. But two-or more toll gates may be erected, and said tolls apportioned by said company.

Sec. 13. If said company shall, at any time, suffer said road to be out of repair for ten days, upon complaint thereof to the nearest justice of the peace, he shall summon three disinterested freeholders of the neighborhood, who shall be sworn by said justice to examine said road, and report to said justice, and if the same be so out of repair, said justice shall notify the toll-gatherer of said road, who shall not receive toll on the same until said road be repaired.

SEC. 14. Said company shall not issue any bills or notes designed

[or intended] as a circulating medium.

Sec. 15. That if said corporation shall contract liabilities for work, labor, or materials, beyond the assets and means of said incorporation, the directors thereof shall be individually liable for the same.

SEC. 16. That if the rates of toll herein established shall realize over twenty per cent., after paying the expenses of said company and repairs of said road, it shall be the duty of said board to reduce the same.

Sec. 17. This act to take effect and be in force from and after its passage.

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its construction, by making compensation as in the next section

provided, an case the same cannot be procured by voluntary grant

An Act to amend an act entitled "An act to incorporate the Crawfordsville and Wabash Railroad company," approved January 19, 1846.

## [APPROVED JANUARY 5, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the 22d section of the act entitled "An act to incorporate the Crawfordsville and Wabash Railroad company," approved 19th January, 1846, as makes the stockholders individually

liable for the debts of said company, be and the same is hereby renealed.

Sec. 2. This act to take effect and be in force from and after its passage.

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the same from the damages, and tout for the chainant, the halance

#### CHAPTER CXCV.

An Act to incorporate the the Rockport and Washington Railroad Company.

[APPROVED JANUARY 10, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Allen Gentry, Washington Snyder, Oliver Morgan, Thomas Shackleford, Benjamin Romine, Isaac Mears, D. S. Williamson, Sanford Howe, Thomas F. Debruler, of the county of Spencer, R. A. Clement, E. Chapman, Joseph Warner, and James D. Trainer, of the county of Daviess, and John S. Martin, A. B. McCrillas, and B. B. Edmonston, of the county of Dubois, their associates and successors, be and the same are hereby constituted a body corporate, and shall be and remain forever under the name of "the Rockport and Washington Railroad Company," and by that name said company may contract and be contracted with, sue and be sued, and do all other things proper and usual for similar companies to do; and they are hereby invested with all the powers and privileges in any wise necessary or expedient to carry into effect the proper business of the association.

Sec. 2. Said company is created for the purpose of constructing a railroad with all usual and desirable appendages, from Rockport,

in Spencer county, to Washington, in Daviess county.

Sec. 3. For the purpose of constructing said road with all desirable appendages, and for putting and keeping the same in repair, and for doing all proper business thereon, said company are hereby authorized to enter upon, take and hold the right of way of as much real estate as is necessary to construct said railroad upon, and also to enter upon the lands adjacent to said railroad, to procure materials for the purpose of constructing said road.

Sec. 4. When such real estate or materials cannot be had by donation or fair purchase, the owner may file his claim for damages in the office of the secretary of the company, and select an arbitrator, whereupon said secretary of the company shall select another, and these two a third, who shall be disinterested men, and within a reasonable time, having been sworn, they shall proceed to examine the case and make out and file their award in the premises with said secretary, from which award either party may appeal

to the circuit court of the county where the secretary keeps his office, which appeal shall be in all things regulated and tried as appeals are from the justice of the peace in the State, said secretary being regarded as such justice in this behalf.

Sec. 5. Whenever any real estate is so taken, or is damaged, the arbitrator's court, or jury trying the case, shall estimate the advantages of said road to the owner of said real estate, and deduct the same from the damages, and find for the claimant the balance only, it any there be, and if there be none, the claimant shall pay all costs, if damages be recovered, the company shall pay all costs in all cases.

Sec. 6. Said company may at all times make and establish all such by-laws, rules, and regulations, not conflicting with the laws of this State, in reference to their business, as they may deem expedient, and they may fix a penalty to any such laws, rules, or regulations, of not exceeding one hundred dollars for the violation of the same, and collect the same by action of debt in any court of competent jurisdiction; but all penal laws, rules or regulations, prior to enforcing the same, and all toll rates shall be posted up in some

conspicuous place at each depot on the road.

Sec. 7. Any person who may willfully obstruct, injure, or in any way interfere with said road, or any of the cars, materials, structures, or appendages connected therewith, or any thing belonging to said company, beside the penalty that may accrue, he shall pay the company threefold the damages done, on the case being made out before any competent court, and on the trial of all suits brought by or on behalf of said company, the regularity of said proceedings to entitle them to sue shall be presumed, but no common law ground of defence, when made to appear, shall by this provision be deemed to have been taken away, and all process against said company shall be served only on the secretary or treasurer thereof.

Sec. 8. The capital stock of said company shall be two hundred thousand dollars, which may be increased at any time to an amount desirable for completing said road, with all the appendages, and conducting the business of the company as herein contemplated. Said stock shall be divided into shares of fifty dollars each, and may be taken by individuals, corporations, counties, or States, and may be paid for in cash, or any other way, and at such time as may be designated by the company. At all elections for directors each stockholder shall have one vote for each share held by him, and the votes may be cast in person or by proxy, given directly by the person voting.

Sec. 9. The persons named in the first section of this act, or any seven of them, shall be the directors until a full organization of the company is had; and so soon as deemed expedient they shall meet at Rockport, Spencer county, and organize by the election of a president, secretary, and treasurer. They shall provide for opening books for subscription of capital stock, at such times, places, and

in the manner they or a majority of them shall deem best, designating the times and modes of payment for stock, and if deemed expedient they may cause a random survey and estimate of the cost of the road to be made, and do all other things deemed ex-

pedient to do prior to the first election of directors.

Sec. 10. So soon as sixty thousand dollars of the stock shall have been subscribed, an election for seven directors for said company shall be held in the town of Rockport, due notice of the time and place of such election being given, to serve as such until their successors are elected and qualified, and annually thereafter on the first Monday in January there shall be a new election for a board of directors at such place as the board of directors may direct, to serve for one year, and until as aforesaid. A director shall be the owner of at least five shares of stock, and before taking his seat as such he shall take an oath faithfully and honestly to discharge his duty as such director, so long as he may remain in office. If for any cause there should be a failure to make an election on said day, it shall be held so soon thereafter as practicable, thirty days' previous notice being given of such election. Each election shall be held by three judges, appointed by the board; they may appoint a clerk, and the judges and clerk shall be sworn honestly to perform their duty.

Sec. 11. When a new board is qualified they shall elect one of their body as president, to serve as such during the current year; they shall also elect a secretary and treasurer, so serve in like manner. Such bonds may be required of all officers as may be deemed expedient; an official bond shall be required of the treasurer, in a reasonable amount, and before entering on the duties of their office, both the treasurer and secretary shall be duly sworn. Five members of the board concurring, they may remove any officer and fill the vacancy thus made, and any vacancy created in the board may be

filled by a majority of the members.

Sec. 12. In all cases, except as may be specially provided, a majority of the board shall constitute a quorum to do business, and all the doings of such quorum, at a regular meeting, shall be deemed the acts of the company to all intents and purposes, and statements of such acts or doings, signed by the president and attested by the secretary, with or without the seal of said company affixed, unless some by law may require the seal, shall at all times and places be deemed the best evidence thereof.

SEC. 13. Said company may negotiate any loan or loans of money, and at any rate of interest deemed expedient, and the principal and interest of all debts so contracted shall be a lien in their order, and all property and effects of the company, and the stock of each corporator, all of which, or any part thereof, may be sold on execution or otherwise, as the board may direct, for the purpose of meeting of such debts; *Provided*, That when stock is sold, it shall be taken from each stockholder in rateable proportion, and any stockholder may redeem his stock from such sale by paying his

quota of the money thus raised into the treasury within ten days after the sale.

Sec. 14. Payments for stock subscribed, in whole or in part, at such times and in such sums as the company may require, may be enforced by an action of debt before any competent court; and payment had, as in this and the next preceding section contemplated, shall be collected without the benefit of any stay or valuation laws; and in case of an appeal or writ of error be had on any such judgment, and the same be decided in favor of the company, besides legal interest on the judgment, ten per centum damages shall be assessed and collected thereon for the company, or the company may, to recover the sum due or demanded, expose the stock of the delinquent to public sale to the highest bidder, at the office of the company, after reasonable notice, paying any surplus that may arise from the sale to the owner, and when so sold the secretary shall make the transfer.

Sec. 15. The stock of the company shall be personal property, and shall be transferable according to the by-laws of the company. After the road is completed, on the first Mondays in July and January, in each year, the company shall, of their nett profits, declare such dividends as may be deemed just, having a proper regard to

the exigencies of the company.

Sec. 16. A journal of all the doings of the board of directors, with all proper stock and account books for the company, shall be carefully and accurately kept by the proper officers, any of which books may be inspected at any time by any stockholder, two stock-

holders applying at the same time for that purpose.

Sec. 17. Nothing in this act contained shall be so construed as to prohibit said company, after sixty thousand dollars shall have been subscribed, as required by the tenth section of this act, from letting any or all of said work on said road, as contemplated by this act, nor from collecting subscriptions of stock, and such other acts as may be necessary to be done in the prosecution of the same.

Sec. 18. That the work on said road shall be commenced within five years from the passage of this act, and be completed within fif-

teen years thereafter.

SEC. 19. The president and directors shall be liable in their individual capacity for all debts contracted beyond the amount of solvent stock secured to the company, and the Legislature reserves the right to alter, amend, or repeal this charter whenever any of its privileges shall be violated by said company.

Sec. 20. This shall be deemed a public act, and shall be liberally construed; it shall take effect from and after its passage, and should the company at any time desire any amendment to this act, it shall

be lawful for the Legislature to make the same.

#### CHAPTER CXCVI.

An Act to amend an act to revive an act, entitled "An act to incorporate the city of Logans.

port," approved 13th January, 1845.

#### (APPROVED DECEMBER 27, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the mayor of said city, when he shall deem it necessary for the health and safety of the citizens, shall have power, by precept issued by him to that effect, to confine to any house in said city the persons resident therein, during the pleasure of the mayor or common council, any person resident therein, who shall be infected with any infectious or pestilential disease.

SEC. 2. The mayor is further empowered to give notice to the public of the existence of such infectious disease by putting up a notification so long as such disease may prevail, a placard or flag attached to or adjoining the house so infected, and the person taking down such notification, or in other respects violating the provisions of the said first and second sections, shall be punished by the mayor in a summary way, not exceeding twenty dollars for every offence.

Sec. 3. The persons thus shut up by order of the mayor, shall be allowed by the common council such sum as equity may require, not exceeding two dollars per week each person, which shall be in lieu of all damage whatsoever, suffered by reason of such deten-

tion.

SEC. 4. The mayor shall also prescribe the mode of intercourse to be held with such persons who may be so shut up as herein provided.

Sec. 5. This act to be in force from and after its passage.

## CHAPTER CXCVII.

and they are hereby authorized to borrow though at a rate of inter-

An Act for the relief of William Armstrong.

(APPROVED JANUARY 5, 1849.)

WHEREAS, the auditor of Tippecanoe county, Indiana, contracted to sell William Armstrong lot No. 48, in Davis and Bartholomew's addition to the town of Lafayette, in Tippecanoe county, Indiana,

and said Armstrong has complied with the terms of his contract, but said auditor is unable to execute a conveyance that will convey the title of the State therein; therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That upon William Armstrong presenting to the auditor of Tippecanoe county, the receipt of the treasurer of said county for one hundred dollars paid by him to said treasurer, to a [the] credit of the surplus revenue fund, after the passage of this act; and also delivering to said auditor his bond for eighty-two dollars and nine. ty-two cents, payable on the twentieth day of August, 1849, secured to the satisfaction of said auditor; as also his bond in the usual sum for a loan of surplus revenue, for the sum of four hundred dollars, secured by mortgage on the lot hereinafter described, and paying one years' interest in advance on said four hundred dollars. then said auditor shall execute and deliver to said Armstrong a deed in fee for lot number forty-eight in Davis and Bartholomew's addition to the town of Lafayette, in Tippecanoe county, Indiana: and that by virtue of such conveyance all the interest of the State of Indiana in said lot shall vest in said Armstrong.

SEC. 2. This act to be in force from and after its passage.

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The persons the sales and by order of the mayor, and

## CHAPTER CXCVIII.

An Act in relation to the New Albany and Salem Rail Road Company.

### [APPROVED JANUARY 12, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the New Albany and Salem Rail Road Company be, and they are hereby authorized to borrow money at a rate of interest not exceeding eight per cent. per annum, and issue bonds for the purpose of enabling said company to finish the construction of a Rail Road from New Albany to Salem, and for the purpose of enabling said company to construct a Rail Road to such other point or points as said company may deem expedient: Provided, however, Nothing in this section contained shall be so construed as to release said Rail Road Company from the restrictions contained in the third section of an act entitled "an act for the benefit of the New Albany and Salem Rail Road Company," passed February 11, 1848.

SEC. 2. That nothing in an act, entitled "an act for the benefit of the New Albany and Salem Rail Road Company," which was passed by the Senate and House of Representatives on the 11th of

February, 1848, shall be so construed as to prevent said Rail Road Company from constructing a Rail Road commencing at a point on the main line of the road between New Albany and Salem, and extending from such point to the town of Charlestown, in the county of Clark, and in crossing the track or route of the Ohio and Indianapolis Rail Road Company, a just course shall be pursued, and as little damage done as possible; and said New Albany and Salem Rail Road Company shall be responsible for whatever damage they may occasion, and on the line of road proposed to be constructed to Charlestown all claim or claims for damages, either for right of way or materials, shall be made within three years after the location of said road, or the taking of said materials.

Sec. 3. The board of directors of the New Albany and Salem Rail Road Company shall, in the assessment of damages in relation to all necessary rights of way and materials, possess the same powers and perform the same duties that were possessed and performed by the Board of Internal Improvements as provided in the 16th and 17th sections of an act, entitled "an act to provide for a general system of Internal Improvements," approved 27th January, 1836.

SEC. 4. That no money borrowed by the Salem and New Albany Rail Road Company, shall be applied to the construction of the Charlestown branch of said road, without the consent of a majority of the directors living in Washington county.

Sec. 4. [5] This act to be in force from and after its passage.

the newspapers published in said counts for five days before the

# bus been first sent of the CHAPTER CXCIX.

An act for the relief of the trustees of the Methodist Episcopal Church in the town of Rock ford, and also for the relief of the trustees of the Lutheran German Reformed Church in said town.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all the right and title of the State of Indiana in and to lots number fifty-one and fifty-two in the town of Rockford, in the county of Jackson, be and the same are hereby relinquished in favor of and vested in the trustees of the Methodist Episcopal Church in said town of Rockford for the sole use and benefit of said church.

Sec. 2. That all right and title of the State in and to a certain lot or tract of land situated in or near said town of Rockford

containing about one acre, and upon which has been erected a house for divine worship, be and the same are hereby relinquished to and vested in the trustees of the Lutheran German Reformed Church [in said town of Rockford, for the sole use and benefit of said church.]

SEC. 3. This act to be in force from and after its passage.

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way or materials, shall be made within thee veins after

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alaristan of said road, or the taking of said malerials.

An act to authorize Robert Rossington to file a bill for a divorce at the January special term,
1849, of the Dearborn Circuit Court.

#### [APPROVED DECEMBER 27, 1848.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Robert Rossington now of Dearborn county, Indiana, be and he is hereby authorized to file a bill for a divorce at the special term of the Dearborn Circuit Court, to be holden on the first Monday in January next.

SEC. 2. That said court may proceed to hear and determine said cause on proof being made to the satisfaction of said court, that two weeks notice of the filing of such bill has been given in one of the newspapers published in said county for five days before the first day of the said term of said court.

Sec. 3. That it shall not be necessary for said Robert Rossington to prove that he has resided in this State two years prior to the filing of said bill; in all other respects said cause shall proceed and be determined as now provided by the general law of this State.

Sec. 4. This act to be in force from and after its passage.

## CHAPTER CCI.

Country by the General Assembly of the Store of

An Act to incorporate the Hillsborough Horse Thief Detecting Company.

[APPROVED JANUARY 17, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Glascock, John Salisbury, John D. Murdock,

William Gaston, James Young, Elam M'Croom, and John Thompson of Fountain county, Indiana, and their associates and successors to the number of one hundred, be and they are hereby constituted a boey politic and corporate by the name of "the Hillsborough Horse Thief Detecting Company," and by that name during the continuance of this act may sue and be sued, plead and be impleaded, answer and be answered unto any court of competent jurisdiction, and may have [and use] a common seal and alter the same at pleasure.

Sec. 2. A majority of said corporation shall have power to adopt a constitution and by-laws for their government, and inflict such penalties as may be necessary to carry the same into effect which constitution and by-laws shall be consistent with the constitution and laws of this State.

SEC. 3. Said corporation may appoint or elect all such officers as they may deem necessary for their organization, who shall severally hold their offices and perform the duties that may be required of them by the constitution and by-laws.

Sec. 4. Said corporation may at any time add to their numbers under the limitation prescribed in the first section of this act and may expel members in such manner and for such cause as they may prescribe in their by-laws, and may assess such taxes and impose such fines as shall be prescribed or as a majority of the members at any meeting may deem proper.

SEC. 5. Said corporation shall have power to call to their aid the peace officers of this State in accordance with law in the pursuit and apprehension of all felons, and in reclaiming stolen property and restoring it to the owner or owners thereof, and each and every member of said corporation when engaged in arresting offenders against the criminal laws of this State, shall be entitled to all the rights and privileges of constables.

SEC. 6. This act shall be in force from and after its passage, and may be repealed or amended at the pleasure of the legislature.

### CHAPTER CCII.

forthwith after the passage and approval of this cot, to transmit a serifice copy of the same to the clerk's office of said county of De-

An Act to amend the several acts now in force incorporating the town of Greensburg.

[APPROVED JANUARY 11, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the next election of trustees of said town hereafter [hereinafter] provided for, the number of trustees in

and for said town, shall be reduced to five, to be elected as herein.

after provided.

SEC. 2. The next election for trustees shall be held on the first Monday in January, 1849, or as soon thereafter as may be convenient, of which time the trustees now in office shall give ten days notice by publishing the same in the Decatur Clarion, a weekly

newspaper printed and published in Greensburg.

SEC. 3. Before the election above referred to, the trustees now in office shall lay off said town into four districts or wards, and there shall be one trustee elected for each district or ward who shall reside therein, and there shall be one trustee elected for said town at large, who shall act as president of said board, and all elections after the first shall be held annually on the first Monday in January, [at] and all elections held as herein provided, each legal voter residing within the bounds of said corporation, shall have the right to vote at such election for each of such trustees.

SEC. 4. In addition to the tax now authorized by law it shall be lawful for the trustees of said town to levy a tax on any species of live stock or animal owned by any citizen residing in said corporation, to any amount deemed proper and expedient by said board. and the same shall be collected and used as a part of said revenae of said corporation, and be applied to the same purposes that the

corporate funds are applied under the present law.

Sec. 5. When any personor persons [who] shall be the owner of any real estate situated on any street or part of a street, may wish to improve said street or part of a street beyond the ordinary means of said corporation, the board of said trustees may on petition of such person or persons, levy a separate tax on such real estate for the improvement of such portion of such street or part of a street. as shall be designated in such petition, and such tax so levied shall be applied to the object and in the manner set out in said petition: Provided however, That no such tax shall be levied on the real property of any person who shall not sign said petition.

Sec. 6. This act to take effect and be in force from and after its passage and a copy thereof filed in the clerk's office of said county; and it is hereby made the duty of the Secretary of State forthwith after the passage and approval of this act, to transmit a certified copy of the same to the clerk's office of said county of De-

catur.

## CHAPTER CCIII.

An Act to incorporate the Fair Play Fire Engine and Hose Company, of the city of Madison...

#### (APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That John Kirk, Isaac H. Taylor, Robert Townsend, Henry Jones, George Short, jr., and their associates, members of the "Fair-Play Fire Engine and Hose Company," of Madison, Indiana, and their regular successors, be and they are hereby created a body corporate and politic for the term of fifty years in succession, by the name and style of "the Fair Play Fire Eugine and Hose Company," of the city of Madison, for the purpose of more effectually protecting themselves and property, and by that name shall be competent to contract and be contracted with, to sue and be sued, to plead and be impleaded, defend and be defended in all courts and places and in all matters whatever; with full power and lawful authority to acquire, hold, use, occupy, and enjoy by purchase, gift, grant, or devise, and the same to sell, convey, or improve, rent, or lease all the real estate that said Fair Play Fire Engine and Hose Company may become in possession of as above provided in the city of Madison, Indiana, in value not exceeding ten thousand dollars, to make, ordain, and put in execution such by-laws, rules, and regulations asshall be necessary for the good government of said society and the prudent and efficient management of its concerns, not repugnant to the constitution and laws of the State: Provided, That in no case shall one member be allowed more than one vote on any question which may arise: Provided also, That said society shall not in any wise engage in banking, or do any other thing not expressly granted by the provisions of this Charter: Propided, That upon a repeal of the charter, or the dissolution of the Corporation, the property held by said Corporation at the time of such repeal may be disposed of, sold, and conveyed in such manner as a majority of the corporation shall direct.

Sec. 2. This act to take effect and be in force from and after its passage, dentino ed bas dentino yeur amberili bin labi etc

Sugar 2. The capital stock of said dempany shall gensist of twenty

thousand dollars at vided into shares of twenty fire dollars cach, and

privilege to earry into effect the provisions of this act.

and be sued, plead and be impleaded; prosecute and be prosecuted

Be it enacted by the General Assemble of the State of fallong That from and utter the next election of trustees of said town hereafter hereinafter provided for the number of trustees in

### CHAPTER CCIV.

An Act to incorporate the Richmond Bridge and Turnpike Company

(APPROVED JANUARY 15, 1849.)

WHEREAS, James W. Marmon, Joel Vaile, J. M. & J. H. Hutton Charles Starr, James R. Mendenhall, Cornelius Ratliff, and sundry other persons, citizens of Wayne county, in the State of Indiana, having heretofore, to-wit, in June, A. D. 1848, entered into an association as set forth in the following words, to-wit. We, whose names are hereunto annexed, do hereby agree to, and enter into an association as a company, to be known by the name of the Richmond Bridge and Turnpike Company, for the purpose of constructing a bridge over White Water, near Benjamin Bond's factory, also over Newman's creek, and to make a turnpike road from the east bank of White Water, near said Bond's factory. or near the route traveled at present by Newman's mill, to intersect the road from Newport to Richmond westward from Cornelius Ratliff's, so as to intersect a turnpike road to be constructed from Williamsburg, to terminate at or near this point: and we do hereby agree and bind ourselves to pay the several sums annexed to our names, unto the call or order of the president and directors of said company, according to the rules and regulations which may hereafter be adopted by said company for the purpose of constructing said bridge and road. June, A. D. 1848. AND WHEREAS, The subscribers to said article of association afterwards, to-wit, on the 13th of October, 1848, assembled at the Starr House, according to previous notice given them, and organized themselves by electing Cornelius Ratliff, John H. Hutton. James W. Marmon, Joel Vaile, and Solomon Horney, directors of said company; therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said Cornelius Ratliff, John H. Hutton, James W. Marmon, Joel Vaile, and Solomon Horney, as directors of said association, and their successors be and they are hereby constituted a body politic and corporate, under the name and style of the Richmond Bridge and Turnpike Company, and in that name, by their president and directors, may contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and be prosecuted unto final judgment and execution, in all courts having competent jurisdiction, and they [are] hereby invested with all the power and privilege to carry into effect the provisions of this act.

Sec. 2. The capital stock of said company shall consist of twenty thousand dollars, divided into shares of twenty-five dollars each, and said stock shall be personal property, and transferable only on the books of the company by the owner, his legal agent, executor or administrator.

Sec. 3. Said company shall have power to adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of the company may require; Provided, They be not contrary to the laws of this State; they shall have power to enforce the payment of all stock which has been or shall be subscribed, at such times and in such proportions as the company shall direct, which payments may be enforced by a forfeiture of the stock to the company, or by suit with damage of twelve per centum; to issue certificates of stock to stockholders; to acquire sell and dispose of such real estate as shall be for the interest of the company; to enter upon and take possession of all lands and materials necessary for the location and construction of said bridges and road, and their appendages, and for keeping them in repair, being accountable to the owners, for the land and materials for the reasonable value thereof; to keep said bridges and road in repair; to erect, continue, and keep a toll gate or gates on the same; to establish, charge, and collect tolls off of all persons using the same. except persons going to and returning from funerals; to make and

declare dividends of profits to the stockholders.

Sec. 4. Said company shall have power to view, locate, and construct a turnpike road fifty feet wide, eighteen feet of which shall be well covered with stone or gravel, made smooth from the west bank of White Water, at the point between the junction of the tail race from J. R. Mendenhall's grist mill, with White Water and the junction of the tail race from his saw mill, with the river; thence north-westardly on the most suitable route passing Newman's grist mill, so as to intersect the road from Newport to Richmond westwardly from C. Ratliff's, and, if necessary, to extend their road not more than one mile west of this road, so as to meet or intersect a turnpike road from Williamsburgh to Richmond; also privileged to erect a bridge across White Water at the place above named, with the privilege to extend the wing or protection walls as far as may be necessary to sustain and protect the same; said company shall have power to take [a] relinquishment of the right of way over or through any persons land, when it may be necessary to construct said road or bridges, which consent or relinquishment being reduced to writing and signed by the party so relinquishing, it shall be conclusive evidence of the same.

Sec. 5. Plain and accurate accounts of the receipts and expenditures of said company, specifying clearly the value [nature] of each, shall be kept by the president and directors of said company, and shall at all times be open to the inspection of the stockholders whenever any two of them shall apply at the same time for inspec-

Sec. 6. The signature of the president of said company, attested by the signature of the secretary, shall be deemed full evidence and authentication of any act of the company.

SEC. 7. The persons named in the first section of this act, on the reception and acceptance thereof, shall thereby be authorised to hold a meeting of their associates, and to proceed to make such arrangements as may in their opinion be necessary to carry into effect the provisions of this act; *Provided*, however, That if no action is taken on their part to commence said work within one year after the passage of this act, it shall be held null and void.

Sec. 8. If at any time any part of said road or bridge shall be in a condition that it is difficult or dangerous to pass them, said company shall not charge and receive toll for the use of the same

until it be repaired.

Sec. 9. If any person shall willfully or knowingly injure or obstruct the bridges or road, or any thing belonging thereto, or shall make, [mark] scratch, or deface any part of the bridges, such person or persons on conviction thereof before any court having competent jurisdiction thereof, shall forfeit and pay for the use of the company twice the amount of damages done, and costs of suit.

Sec. 10. The directors of said company who shall contract any debts over and above the amount of solvent stock subscribed in said company, shall be individually liable for the payment of such excess, and the legislature reserves the right to alter or amend this charter at any time, and to repeal the same whenever its pro-

visions shall have been violated by said company.

Sec. 11. This act to take effect from and after the passage thereof.

## CHAPTER CCV.

An Act to incorporate the Columbus, Nashville, and Bloomington Railroad Company.

(APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Aquila Jones, John B. Abbott, Frederick Hesselback, Wallace N. Skinner, Philip Barnhart, and John H. Bradley, of the county of Bartholomew, and Shadrach Chandler, of the county of Brown, and William C. Tarkington, and James W. Spencer, of the county of Monroe, and their successors in office forever, be and they are hereby incorporated, and created a body corporate for the purposes hereinafter mentioned, under and by the name, style, and title of the "The Columbus, Nashville, and Bloomington Railroad Company."

Sec. 2. That said company shall have power and be authorized to commence, prosecute, and as soon as their means will allow,

complete, and thereafter run, use, and carry on a railroad from Columbus by the valley of Wolf creek to Nashville, and thence to Bloomington, Indiana, or any part thereof, and for that purpose shall have, hold, and enjoy all the powers, authorities, rights, [privileges,] and immunities, granted to and held, owned, used, and enjoyed by any railroad company or incorporation, by virtue of an act of the General Assembly of this State, entitled "An act to provide for the continuance of the construction of all or any part of the public works of the State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved Janaury 28, 1842; and the said act as to the subscription for stock, construction of said road, and the use of the same when completed, and in all other respects not hereinafter otherwise provided, shall be and the same is hereby made the charter of this company.

Sec. 3. That the board of directors of this company shall consist of nine persons, five of whom shall constitute a quorum, and be authorized to act for said company, and the persons named in the first section of this act, shall be and are hereby made the board of directors, until the first regular election under this charter, and

until their successors are chosen, [elected] and qualified.

Sec. 4. That said company shall be authorized and empowered to receive subscriptions of stock from any and all persons, and from any incorporate company, and to contract with any railroad company of this State, for the construction or use of the [said] road way; and any such railroad company shall be and the same is hereby authorized and empowered under any such contract made with the company incorporated by this act, to take stock in and construct and use said road way or any part thereof.

Sec. 5. It shall be the duty of said railroad company by this act incorporated, to commence the construction of said road at the town of Columbus, and to construct and complete the same in continuous and contiguous sections, from thence westward, so that the parts first commenced can be put in operation and made useful as soon

as possible.

Sec. 6. The board of directors of said company named in this act shall meet together on the first Monday of January, 1849, or as soon thereafter as possible, and proceed to organize said company and elect their president, and thereafter as soon as possible shall commence the construction of said road or provide therefor: *Provided*, That nothing herein contained shall authorize said company to issue scrip.

Sec. 7. The president and directors of said company are individually liable for all debts contracted in the prosecution of said work, over and above the amount of solvent stock secured to the company; and the legislature reserves the right to alter, amend, or repeal this charter, when any of its privileges are violated by said company.

Sec. 8. This act shall be deemed a public act, and be in force from and after its passage.

#### CHAPTER CCVI.

An Act to incorporate the Laporte Iron Manufacturing Company.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Charles W. Pomeroy, Joseph Chapman, Ferriss Pierce and such other persons as may associate together, for the purpose of prosecuting a general Iron Manufacturing business within this State, to be located at Laporte, Laporte county, be and the same are hereby ordained, constituted, and declared to be a body politic and corporate, to all intents and purposes, to be known and designated by the name of the Laporte Iron Manufacturing Company, which name they and their successors shall have continual successors [succession and be entitled to all the privileges and immunities of the laws of this State as a body politic and corporate, such as contracting and being contracted with, of suing and if necessary, being sued, of pleading and being impleaded, [of] defending and being defended in any court of competent jurisdiction; and that they and their successors may have a common seal, and may make and alter the same at pleasure, and that they and their successors as a body corporate by the aforesaid name, shall be competent and capable of purchasing, holding, using, and conveying any property or estate, whatsoever, either real or personal, and of constructing or erecting any building or machinery whatever, that may by them be deemed necessary to the prosecution of their designs as aforesaid; and the said corporation as herein described, shall exist for the term of fifty years from and after the passage of this act.

SEC. 2. That the capitol stock of said company shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, which stock shall be subscribed as hereinafter

provided.

Sec. 3. That Henry Lusk, William Clement, Charles W. Pomeroy, Joseph Chapman, A. B. Judson, and Henry Loring, Jr., or any three of them, are hereby constituted commissioners, and as [such] are hereby authorized to open books and receive subscriptions to said capital stock at such places and at such times as they may deem most expedient after the passage of this act, and so much of said subscription shall be paid in by said subscribers to said stock at the time of subscribing thereof, as the said commissioners may direct; that nevertheless it shall be lawful for said corporation as soon as thirty thousand dollars shall have been subscribed, to commence their business, and they shall be entitled to all the privileges of the said corporation, and shall at all times have the privilege of extending the amount of the capital stock by subscription, until it amounts to one hundred thousand dollars.

Sec. 4. That as soon as thirty thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners shall proceed to order an election of five directors who shall he chosen from among the stockholders, by a majority of all the votes given either by the stockholders present, or by a written proxy by them | those | not present. Said commissioners shall give at least fifteen. days notice of said election in some public newspaper printed in said county of Laporte. Each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation, at the [time of] said election. Said directors when so chosen shall elect one of their number president, who together with said directors shall have the whole management of the stock, property, and concerns of said corporation. Said directors shall hold their offices for one year and until their successors are chosen; and in case of vacancy in said board of directors, by death, resignation, or otherwise, the vacancy [shall] be filled until the next annual election of directors; and a majority of said directors shall form a quorum to transact the business of said company, and may enact such by-laws, rules, and regulations as they may deem expedient for the government of said company, and shall have full power and authority to put into operation all the designs contemplated in this charter.

Sec. 5. That the said directors shall have full power at any time to receive, and by due course of law coerce the collection of any and all subscriptions to the capital stock of said corporation, together with all the costs of suit and any tax of damages which they may assess, for the delinquencies or refusal to pay their respective instalments when called on by said directors; *Provided*, Such tax shall not exceed ten per cent. upon the amount of stock subscribed by said delinquent.

Sec. 6. That the stock of said company shall be considered personal property to all intents and purposes, and shall be assignable and transferable agreeably to such rules and regulations as the said board of directors may make and prescribe; *Provided*, That no transaction in the transfer of any stock of said company shall be valid juntil the same be entered as a record on the books of said company, nor till all or any claims which said company may have against said stockholder assigning or transfering any stock share [shall] be legalized [liquidated].

Sec. 7. At every annual meeting of said stockholders, the said board of directors shall cause to be made out a full statement of the actual standing of said company, which statement and expose of the standing of said company shall be laid before said stockholders at such annual meeting, and all proceedings and business of said company shall be recorded in books to be kept for that purpose—which books shall be open at all times to the inspection of all persons concerned in said company as stockholders, at all the usual hours of doing business.

Sec. 8. The president and directors shall be liable in their indi-

vidual capacity for all debts contracted by the corporation, over and above the amount of solvent stock secured to the company, and the Legislature reserves the right to alter, amend, or repeal this charter when any of its provisions shall be violated.

SEC. 9. This act shall be and the same is hereby declared to be a public act for the purposes therein specified, and shall take effect and be in force from after its passage, and the legislature reserves the power of altering or amending this charter at pleasure.

#### CHAPTER CCVII.

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An Act to amend and extend section sixty (60,) chapter thirty-eight (38,) of Revised Laws of 1843, so far as Jefferson county is concerned.

#### [APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That section sixty, of chapter thirty-eight, of the Revised Laws of 1843, be so amended as to embrace fuel.

SEC. 2. That the provisions of the said sixtieth section of chapter thirty-eight, and of the first section of this act, be and the same are hereby extended to Recorders, County Auditors, Sheriff, and Treasurers.

SEC. 3. This act to take effect and be in force from and after its passage and its provisions to extend to Jefferson county only: Provided, That the County Commissioners shall not be required to make such allowance for fuel, unless in their opinion the present emoluments received by said officers are not a sufficient compensation for their services.

### CHAPTER CCVIII.

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An act to incorporate the Richmond and Williamsburg Turnpike Company.

[APPROVED JANUARY 16, 1849.]

Whereas, The citizens of Richmond and Williamsburg, and of the different points between those places, made their subscriptions of stock to the amount of twelve thousand dollars by the following

contract: We, the undersigned, in consideration that Robert Morrison, Caleb Shearon, Benjamin Harris, Stephen Coffin, Moses Davidson, Ellis Bond, William Brooks, James Thomas, Jesse Starr, Cornelius Ratliff, William A. Bickle, Levinus King, and Thomas H. Cook, will commence on or before the first day of September. A. D. 1848, and prosecute thereafter to final completion, within a reasonable time, a turnpike road leading from Richmond to Williamsburg, and will also hereafter procure a charter of incorporation from the legislature of the State of Indiana, incorporating the subscribers of stock in said company, who now or hereafter may subscribe for the same, promise and agree with the said persons above named to take the number of shares of stock in said turnpike company of the value of twenty-five dollars each, set opposite our names, and we further promise to pay for the said stock to said persons above named or their assigns, in five semiannual instalments for the benefit of said company, to be laid out in making and completing said turnpike; and we promise to pay the first instalment in thirty days after the work shall have been commenced; and it is further agreed with the persons above named, that when said charter of incorporation shall have been received and accepted by said company, that then our subscriptions shall be taken to be due and pavable, and as fully transfered to said corporation, as though the same had been originally made to said corporation, with full right to collect and receive the same in the name of said corporation:

AND WHEREAS, The individuals in the above named contract did, upon the first [day] of September, 1848, commence said work by surveying and locating the said turnpike along a part of the line between the said city of Richmond and Williamsburg, now therefore

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Robert Morrison, Caleb Shearon, Benjamin Harris, Stephen Coffin, Moses Davidson, Ellis Bond, William Brooks, James Thomas, Jesse Starr, Cornelius Ratliff, William A. Bickle, Levinus King, and Thomas H. Cook, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body corporate and politic, to be known by the name and style of the "Richmond and Williamsburg Turnpike Company," and by such name shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of justice whatever, to make and use a common seal, and the same to alter, change, or renew at pleasure. and shall be able and capable at law to make contracts and enforce the same, and to make and enforce the necessary by-laws and rules to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of the State of Indiana.

Sec. 2. And be it further enacted, That after the acceptance of

this charter of incorporation, all the subscriptions made under the contract in the foregoing preamble specified, be and the same are hereby as fully and completely transferred to said corporation as though the same had been originally made thereto, with full right to have, demand, sue for, and collect the same and any and every part thereof in the name of said corporation, and in all suits and proceedings for the said subscription or any part thereof, it shall be lawful for the said corporation to declare as on a promise made directly to itself, and the said contract before specified with the names thereto subscribed, shall be taken in all courts of justice to be sufficient evidence in support of such averment, and all of the acts and procedings of the persons in the same preamble specified as a Board of Commissioners, acting under said subscription, be and the same are hereby legalized and confirmed, with full right in the said directors, to alter, annul, or amend the same as the exigencies of the case may require.

Sec. 3. The capital stock of said company shall not be less than ten thousand dollars not more than thirty thousand dollars, divided

into shares of twenty-five dollars each.

Sec. 4. That sections three (3), four (4), five (5), six (6), nine (9), ten (10), twelve (12), fourteen (14), and fifteen (15), of an act entitled "An Act to incorporate the Richmond Turnpike Company and for other purposes, approved January 15, 1844," of the sections published at length, and not by [reference] in said act; and also sections thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), of an aet entitled "An Act to incorporate the Richmond and Boston Turnpike Company, approved 15th February, 1839," be and the same are hereby re-enacted and incorporated in this charter for the government of the company in the first section of this act specified.

Sec. 5. It shall be lawful for said directors to organise at any [time] after the passage of this act, and the said road must be com-

pleted in three years, or this charter will be forfeited.

Sec. 6. The corporation by their agents shall have full power from time to time to examine, survey and locate the route for a turn-pike road commencing at Williamsburg, and running on a convenient and practicable route by the way of Dover, thence on by Barnabas Lamb's, and by, through, or in the vicinity of the farm of Walter Legg, to a suitable point on the Newport road, which runs north from the National Road, by Robert Morrison's farm, to form a junction on said Newport road with a road projected by a company popularly known as the "Spring Foundry Company," leading from the Spring Foundry by Cornelius Ratliff's farm to said Newport road; but if the said Spring Foundry road should not be made, or if the said corporation should deem it to be for their benefit, they are authorized to extend said road from said point on said Newport road to a point on the National Road, west of the National Bridge over White Water at Richmond, so as to cross said White

Water on said bridge. Said road shall be constructed in accordance with the plans and specifications adopted by the said directors, with the right to alter and vary the same so as to secure a good ordinary turnpike.

SEC. 7. The directors shall advertise a meeting of the stockholders within three months after the first meeting, to elect six directors to act as such for the space of one year thereafter, and until their successors are elected and qualified; and in all elections for directors a majority of the number who happen to be present, shall be legally a majority and qualified to elect; and the directors shall have the power of declaring the seat of any director vacant who is absent from two successive meetings of the Board, and fill the same as before provided.

Sec. 8. This act to be in force from and after its passage, and it shall be taken to be a public act and favorably construed for all beneficial purposes and any subsequent legislature by a majority of each branch thereof may alter or amend this charter.

CHAPTER CCIX. of bare threshold be

nay, and their successors on same, this cheeted to beginn ther the

spelied, are hereby constituted a hedy politic and comporate, and the name, and ervice of a The Albehmond and Newport Turn;

An Act to incorporate the Richmond and Newport Tumpike Company.

(APPROVED JANUARY 5, 1849.)

WHEREAS, The citizens of Wayne county, in the State of Indiana, have subscribed for the construction of a turnpike road from Richmond to Newport, in said county, a distance of nine miles, the sum of twelve thousand seven hundred dollars, the subscription for the same being in the following words, to-wit: "We, the undersigned, in consideration that David Willcutts, James Brown, David Hampton, Joshua Jeffries, William Fulghum, sen., Jacob Sanders, and Luke Thomas will commence on or before the first. day of July next, and prosecute thereafter to final completion, within a reasonable time, a turnpike road leading from Richmond to Newport, and will also hereafter procure a charter of incorporation from the Legislature of the State of Indiana, incorporating the subscribers of stock in said company, who now or hereafter may subscribe for the same, promise and agree with said persons above named to take the number of shares of stock in said turnpike company, of the value of twenty-five dollars each, set opposite our names; and we further promise to pay for the said stock to the said persons above named, or their assigns, in five semiannual instalments, for the benefit of said company, to be laid out in making and completing said turnpike; and we promise to pay the first instalment in thirty days after the work shall have been commenced; and it is further agreed with the persons above named, that when said charter of incorporation shall have been received and accepted by said company, that then our subscriptions shall be taken to be due and payable and as fully transferred to said corporation as though the same had been originally made to said corporation, with full right to collect and receive the same in the name of the corporation. March 16, 1848."

AND WHEREAS, The said road has been surveyed, and the location made, three miles and one-half of said road have been graded and one mile and one quarter gravelled, and two bridges nearly

finished, at a cost of about five thousand dollars:

AND WHEREAS, Sundry relinquishments of the right of way have been made by persons through whose land said road runs:

AND WHEREAS, About — thousand and — hundred dollars of said subscriptions have been paid: Therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That David Willcutts, James Brown, David Hampton, William Fulghum, Sen., Jacob Sanders, Joshua Jeffries, and Luke Thomas, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of "The Richmond and Newport Turnpike Company," shall be able and capable in law and equity to sue and be sued, defend and be defended, answer and be answered unto in any and all courts whatsoever; to make and use a common seal. and the same to alter or change at pleasure, and shall be able in law to make contracts and enforce the same, and make and enforce the necessary by-laws, regulations, and rules to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of the State.

Sec. 2. That [the] capital stock of said corporation shall not exceed thirty thousand dollars, divided into shares of twenty-five dollars each, with power to said corporation to increase said capital stock, if the same should be necessary to accomplish the objects

herein contemplated.

Sec. 3. That all grants of the right of way to the said persons in the first section named, or to the road, as the same is now located from Richmond to Newport aforesaid, shall pass to and vest in said corporation in the way and manner, and to the same extent, as if the said grants had been made to said corporation after the passage of this act; and that all public roads, or any part of a road, which are now used by the said corporation in the construction of said turnpike, or along or across which the location of said turnpike has been made, shall pass to, vest in, and be used by the said corporation for said turnpike road, with full power to change or alter said location from time to time, as the said corporation may

think fit, or as the public necessity may require; and that all subscriptions of capital stock which have been made as aforesaid to the persons above named, or which may hereafter be made to them before the publication of this act, shall vest in the said corporation to all intents and purposes, and as fully as if the subscriptions, and each of them, had been made to said corporation after the taking effect of this act, and the said corporation may, for the recovery thereof, commence and prosecute to final determination, any and all actions at law or suits in equity, in any and all courts having ju-

risdiction of the subject matter.

Sec. 4. That all contracts, agreements, or covenants made by said persons in the first section mentioned, or by their duly constituted agents, with any person or persons, or with any body politic or corporate, for the construction of said turnpike road or any part of it, or for any materials used, or to be used, in the construction of the same, shall be binding and obligatory on said corporation; and for the breach of said contracts, agreements, or covenants, or any of them, the person or persons with whom the same were made may sue the corporation thereon in the same way and manner as if the said contract, agreement, or covenant had been made with said corporation by name in a corporate capacity; and the said corporation shall have full right and lawful authority to sue in the corporate name thereof, on all such contracts, agreements, and covenants, as if the same had been made with said corporation in the corporate name; and when an action at law or suit in equity is commenced by or against said corporation, it shall be sufficient to describe said contract, agreement, or covenant as having been made by said corporation, and to give the same in evidence in proof thereof.

Sec. 5. That the said corporation may cause books to be opened for additional subscriptions of capital stock, at such times and places as they [may] choose, in each of which shall be the following entry: "We, the undersigned, promise to pay to the Richmond and Newport Turnpike Company the sum of twenty-five dollars for each share of capital stock set opposite our names, in such manner and proportions, and at such times, as the president and directors of said corporation may direct. Witness our hands this - day of -,

18—."

Sec. 6. Within thirty days after the passage of this act it shall be the duty of said corporation to give three weeks' notice thereof in some newspaper of Wayne county, and in such notice to appoint a time and place for said stockholders to meet and elect seven directors, who shall be stockholders and citizens of this State; and said election shall be by ballot, and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present; and the persons having the highest number of votes shall be declared duly elected; and in all elections each share, from one to five, shall entitle the holder thereof to one vote, and every additional five shares to one vote only; to be given by any person owning the same, or by the husband, father, mother, executor, administrator, trustee, or guardian of such person, or by the agent of any corporation, or any person having a right to vote may vote by proxy.

Sec. 7. The said corporation shall complete said road within

five years from and after the passage of this act.

Sec. 8. The corporation shall cause said road to be opened not exceeding sixty feet wide, at least eighteen feet of which shall be an artificial road, composed of stone, gravel, or other suitable materials, well compacted together, in such a manner as to secure a firm and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair; and in no case shall the ascent in said road be greater than an elevation of five de-

grees.

Sec. 9. That sections 4, 6, 8, 9, 10, 11, 13, 14, 15, 16, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 37, and 38, of an act, entitled "An act to incorporate the Franklin Turnpike Company," approved January 31, 1842, and published in the Local Laws of 1842, at page 57, shall be, and the same are made a part of this act, subject to the modifications contained in the next succeeding section, as fully, and to all intents and purposes as if said sections, and each o them, had been actually incorporated in this act: *Provided*, That no amendment or repeal of the said act incorporating the Franklin Turnpike Company shall in any way affect the said sections made a part of this act, unless this act is expressly mentioned in the act repealing or amending said sections.

Sec. 10. That for the purposes of this act, and without any repeal of the act incorporating the Franklin Turnpike Company, the word January in the first line of the ninth section shall be changed to February, the word before, in the 14th line of the 11th section shall be changed to after; the word five, in the second line of the 22d section shall be changed to three; the words from "provided" in the twenty-third section to the close of the section, shall be stricken out and the following inserted: That all funeral processions, and all persons going to or returning from funerals shall pass free of

toll.

SEC. 11. That the said company shall not at any time charge or receive any rates of tolls which will give, after paying all expenses of said company, an annual dividend of more than twelve per cent. on each share of stock.

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CHAPTER CCX.

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An Act incorporating the Dayton and Frankfort Plank Road Company.

(APPROVED JANUARY 3, 1849)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Noah T. Caterlin, Joseph S. Scroggy, and John W. Blair, of the county of Clinton; and Samuel Favorite, William L. Layman, and David Pedan, of the county of Tippecanoe, and such other persons as may associate with them be, and they and their successors hereby are, constituted a body politic and corporate, to have perpetual existence and succession, to be known as the "Dayton and Frankfort Plank Road Company."

SEC. 2. The capital stock of said company shall be thirty thousand dollars, divided into shares of twenty-five dollars each, and said company is hereby invested with power to increase the capital stock, to any sum not exceeding seventy-five thousand dollars.

- Sec. 3. The persons in the first section of this act named, or a majority of them shall meet at such time and place as they shall agree upon, but on or before the first Monday of June next, and organize said company by electing one of their body president, and after such organization shall immediately proceed to open books for subscription to the capital stock of said company, at Lafayette, Frankfort, Dayton, Jefferson, and such other places as they may deem proper, to receive subscriptions to the stock of said company, which books shall be opened at such times and under such regulations as may be directed by the person elected president as aforesaid.
- Sec. 4. The books of subscription to said stock shall contain the following entry and caption, to be signed by subscribers to said stock, viz: "Dayton and Frankfort Plank Road Company—We, the undersigned, promise to pay the Dayton and Frankfort Plank Road Company twenty-five dollars for each share of stock set opposite our names, to be paid at such times, and in such sums, as said company may direct."
- Sec. 5. So soon as ten thousand dollars of the capital stock of said company shall be subscribed and taken, the said president of said company shall call a meeting of the subscribers, by publishing in some newspaper printed in said county of Tippecanoe, at least ten days before the meeting shall be held, a notice setting forth the time and place of such meeting, and the said stockholders, or such of them as may meet at the time and place so appointed, shall proceed and [to] elect three persons of their number to be directors, who, with the president already chosen, shall hold their offices until the succeeding first Monday of March, and until their successors are chosen. Any vacancy which may occur in any

of said offices, either by death, resignation, refusal to serve, or removal, may be supplied at any meeting of the stockholders. The annual meeting of said company shall be held on the first Monday of March in each year.

Sec. 6. Certificates of stock shall be given to stockholders signed by the president, and countersigned by the clerk. The stock shall be transferable on the books of the corporation, in such manner as said company may, by by-laws prescribe; but the company shall at all times hold a lien on all stock for any dues from the holders thereof to said company, or for sums that may thereafter become due to said company, on contracts made prior to such transfer.

Sec. 7. Said Corporation shall keep a book containing a journal of its proceedings at any regular or special meeting thereof, and the proceedings at each meeting being drawn up and signed by the president and clerk, shall be prima facia evidence in all courts of justice, and all other places, of the facts therein stated.

Sec. 8. The capital stock subscribed to said company shall be payable in such sums and at such times, as said corporation at any stated meeting thereof may direct, and said company may, by bylaw, prescribe such penalties and forfeitures for the non-payment of assessments ordered to be paid upon said stock, as they may deem proper. Notice of all assessments shall be given by publication in some newspaper printed in the county of Tippecanoe, at least twenty days before such assessment is required to be paid.

Sec. 9. Said company shall have power and are hereby authorized to survey and locate a road from Dayton, in the county of Tippecanoe, to such point on the Michigan Road, as they may designate, by the way of Jefferson and Frankfort, in the county of Clinton. Said company may, and it shall be lawful for them to enter upon any highway or public road, with the consent of the board of county commissioners of the county where such road or highway may be located, which consent said county commissioners are hereby authorized to give, and appropriate the same to the construction of said road, and thereupon such road or public highway shall become to all intents and purposes the property of said company. Said company may take releases and conveyances of the necessary lands of any and all persons over whose lands the road may be located; and any such release or conveyance may be executed by any infant, feme covert, guardian, executor, or administrator, and have the same force, and be as valid and effective in law, as if such person so executing the same were of full age, sole or had done the same personally, and any such release executed by any executor or administrator, if approved by the proper Probate Court, shall bind the estate, and the heirs, creditors, legatees, and devisees thereof.

Sec. 10. For the purpose of locating and constructing said road, it shall be lawful for said company, by their agents, or persons in their employ, to enter upon any lands to make surveys and esti-

mates, and to take from the land occupied by said road, any stone, gravel, timber, or other materials, necessary to construct said road and bridges thereon.

Sec. 11. If any person or persons owning land over and upon which said road may be located, shall refuse to relinquish the same for the use of said road, and no satisfactory contract can be made with such owner by said company therefor, it shall be lawful for said company to give notice to some justice of the peace of the county, and said justice shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named therein, and within ten days thereafter; and if the parties cannot then agree, said justice shall issue a venire for summoning before him a jury of three disinterested men of the county. to be selected by said justice: and such jury, after having taken an oath or affirmation faithfully and impartially to assess the damages, if any, shall view the lands upon which such damages are claimed, and shall determine the same, duly considering the advantages and disadvantages of said road to said owner, and shall make report thereof to such justice, whereupon he shall enter judgment upon such report, from which report either party may appeal to [the Circuit Court. But no such appeal taken shall stay the proceedings of the company in opening and constructing such road over and upon such lands.

Sec. 12. If the owner is a minor, or insane person, or shall reside out of the county where such land may lie, said justice shall cause three notices to be put up in three public places within the township where such lands are situated, of the time and place of summoning such jury to make such appraisement, and if no person appears for such minor, insane person, or non-resident of the county, he shall appoint some disinterested person to act on behalf of such absentee, and shall then proceed as in other cases; and in all cases, costs shall be awarded in the discretion of the jury.

Sec. 13. In case said company shall require for the use of said road any stone, gravel, timber, or other material, from the land of any person adjoining on or near said road, and said company cannot contract with the owner for the same, said company may proceed in like manner to have the value of such materials assessed as is above prescribed for assessing the value of lands, except as to estimating the advantages of said road; and in any such case of lands and materials, said company may take possession of, and use the same immediately after having paid to the justice for the use of the owner of such land or materials, the sum, if any, which may have been assessed therefor, notwithstanding any appeal which may be pending.

Sec. 14. If any person, or persons, body politic or corporate over and upon whose lands said road may be located and constructed, shall not, within six months after said road is completed across said lands, demand of said company payment or damages for the land taken or occupied in laying out, making, or constructing said road, such person, or persons, body politic or corporate, and all persons

claiming by, through, or under him or them, shall be forever thereafter incapable of sustaining any action either to recover said land

or damages on account of the appropriation thereof.

SEC. 15. Said road may be commenced so soon as ten thousand dollars of the capital stock shall be subscribed and taken. The company shall cause said road to be opened not less than forty, nor more than one hundred feet wide, and that portion of it built of plank shall consist of a permanent single track plank way, with proper grades and structures of earth on one or both sides of said plank way to enable teams or vehicles to pass each other; such plank way to be of the width that such company may determine and upon such portions as may be McAdamized, or built of gravel or earth, the worked part shall not be less than twenty feet wide Said company may, should they deem proper, construct a double track plank way upon the whole or any portion of said road.

Sec. 16. Said road shall be commenced within one year, and

completed within three years from the passage of this act.

SEC. 17. The directors of said company may receive labor, materials, and personal property in payment of stock subscribed to said company, to be taken and estimated at the appraisal of the president thereof.

Sec. 18. If said road after its completion, or any part thereof. shall be suffered to be out of repair so as to be impassable for the space of one year, unless when the same is repairing, said company may be proceeded against by quo warranto, as for a violation of this charter, and if said company shall suffer said road to be out of repair to the hindrance or delay of travellers for any unreasonable length of time, they shall have no right to collect tolls thereon

until the same is repaired.

Sec. 19. Whenever five miles of said road shall be completed a gate may be erected thereon, and so on for every additional five miles until the whole is completed. After said road is completed, said company may erect and maintain toll gates at such points and at such distances from each other as they may deem proper, and the tolls chargeable upon said road, and payable at the gates erected thereon, shall not exceed the following rates, for every ten miles distance traveled thereon, and in proportion for any greater or less distance, as follows: For every four wheeled coach, carriage, buggy, wagon, or other vehicle, drawn by one horse, or other animal, fifteen cents; for every horse or other animal in addition thereto, five cents; for every cart or other two wheeled carriage drawn by one horse or other animal, twelve cents; for every horse or other animal in addition thereto, five cents; for every sled or sleigh drawn by one horse or other animal, ten cents; for every horse or other animal in addition thereto, five cents; for any of the vehicles aforesaid, used chiefly to convey passengers, or passengers and their baggage, five cents for each passenger, or passenger and his baggage in addition to the rates above presented; for ever horse and rider, five cents; for every horse, mule, or ass, six months old

or upwards, led or driven, three cents; for every head of neat cattle, six months old and upwards, two cents; and for each hog, sheep, or other animal, not hereinbefore enumerated, one cent.

Sec. 20. Whenever said company shall have completed a double plank track or way, over that portion of the road on which a plank way shall be constructed, then said company may, and it shall be lawful for them to charge one-quarter in addition to the

tolls specified in the last preceding section.

Sec. 21. Said company may make, enact, and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel upon said road, and the rules to be observed by persons in meeting or passing with wagons or earriages, and all other matters which may be deemed for the welfare of said company, and any person wilfully violating any ordinance or by-law made by said company, shall forfeit and pay the sum of five dollars, to be sued for and collected by said company, in an action of debt, before any justice of the peace of the county where the delinquent or offending party may be found.

Sec. 22. Said company shall put up a stone or post at the end of each mile, with the number of miles from Dayton cut or painted thereon, and also at or near each gate they shall place a board

with the rates of toll painted or printed thereon.

SEC. 23. Dividends of the profits of said company shall be made semi-annually among the stockholders, on the first Monday of Sep-

tember in every year.

Sec. 24. If any toll gatherer or gate keeper on said road shall unreasonably detain any person or passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit, before any justice of the peace having jurisdiction, within

twenty days after the occurrence, by the party aggrieved.

Sec. 25. If any person or persons using any part of said road, shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road, to avoid any toll gate, or shall make any untrue statement as to the distance he or they may have travelled, or intend to travel on the road, or shall practise any fraudulent means and thereby lessen or avoid the payment of toll, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to said company the sum of ten dollars, which shall be recovered in the name of said company in an action of debt, before any justice of the peace of the county where the offender may be found; and shall be collected without any stay of execution, or any regard whatever to valuation or appraisement laws: Provided, nothing herein contained shall prevent persons residing on or near the line of said road from passing thereon between the gates, about their premises, for common or ordinary business.

Sec. 26. If any agent, treasurer, toll gatherer, or other person, to whose possession or custody any of the moneys of said corporation shall come or be, shall convert any of the said moneys to his own use, or make way with the same in any way, he shall be deemed guilty of embezzlement, and shall be punished, upon indictment found, in the same manner as if he had stolen the amount so embezzled. The neglect or refusal of any such person to pay over on demand to said company, or their agent, any moneys in his hands belonging to said company, shall be deemed prima facia evidence that he has embezzled the same.

Sec. 27. The said corporation may purchase and hold lands to the value of not exceeding five thousand dollars over and above such lands as may be necessary in the location and construction of

said road.

Sec. 28. Except as in this act is otherwise provided, this corporation shall possess the general powers, and be subject to the general restrictions and liabilities contained in the second article of chapter thirty-two, of the Revised Statutes of 1843.

Sec. 29. This act shall be deemed and taken to be a public act, and shall be liberally construed, and shall take effect and be in

force from and after its passage.

## CHAPTER CCXI.

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An act to incorporate the Madison Marine Insurance Company.

(APPROVED JANUARY 11, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That William Hendricks, Caleb Schmidlapp, Isom Ross, Milton Stapp, and Samuel M. Strader and their successors in office, duly appointed and elected as hereinafter directed, be and the same are hereby created and made a corporation and body politic for the term of thirty years from and after the first day of May next, who shall, by the name and style of the "Madison Marine Insurance Company," be able and capable in law to hold and dispose of property as hereinafter provided, and to sue and be sued, plead and be impleaded, [answer and be answered unto, and defend and be defended] in any court of law or equity, or in any other place whatever; and to receive all deeds transfers, contracts, or covenants, conveyances, and grants whatsoever, and generally to do any other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design of the corporation,

and shall have power to make and use a common seal and the same

to change and renew at pleasure.

Sec. 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided in shares of fifty dollars each, to be subscribed and paid for by individuals, companies, or coporations, under the direction of the above named persons, whose duty it shall be to give three weeks notice of the time and place of opening books for subscription, in a newspaper published in the city of Madison, and it shall be the duty of the persons or corporation taking stock, to pay at the time of subscribing for the same, one dollar on each share for which they shall subscribe.

Sec. 3. The stockholders shall meet together in general meeting, once in each year, at such time and place as may be designated by the above named individuals, and by the directors that may be hereafter appointed or elected, who shall at such meeting, have power to pass such by-laws, (not inconsistent with the laws of the State,) as to them may seem needful for the government of the directors and for the management and disposition of the stock, property, estate, fund, and business of the company; they shall at their first meeting, appoint the time and place for the election of directors, as also the number to be elected, not less than five nor more than nine, and do such other business as to them shall seem proper for the promotion of the interest of said company.

Sec. 4. That the above named individuals shall be the directors of said corporation, until others are appointed or elected and qual-

ified under the provisions of this act.

Sec. 5. The directors of the Madison Marine Insurance Company, shall at their first meeting, after the passage of this act, and at the first meeting after every annual election for directors, under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all meetings, and sign all contracts entered into by the company, which shall be valid without a seal and binding on the corporation. He shall hold his office until the next annual election, and until his successor shall be elected and qualified, and in case of his death, resignation, or absence, the board shall appoint a president pro tem., for the time being. They shall fill all vacancies which may occur in their own body, who shall hold their office until the next annual election and until their successors may be elected and qualified; they shall appoint such clerks, secretaries, agents, and servants, as may be necessary to transact their business, fix the [their] salaries or compensation, and define their powers and duties, and the said officers and servants shall hold their respective situations at the pleasure of the board, under such regulations, restrictions, and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of three stockholders, shall be sufficient to elect. At every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each

share of stock he may own at the time, and any stockholder not attending such election or other meeting of stockholders, having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the stockholders fail to meet on the day appointed, and elect their directors, it shall be lawful for them to meet on some other day under the provisions of their by-laws, and elect said directors, all of whom shall hold their offices one year from the day of their general or annual election, and until their successors shall be elected and qualified.

SEC. 7. The president and directors shall hold their meetings at stated times under their own regulations, and at such other times as the president for the time being shall order and direct; and a majority of the whole number of directors present shall form a quorum: and questions before the board shall be decided viva voce, by a maiority of the directors present, any two of whom may require the veas and nays on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be rescinded by a less vote than was given in favor of the resolution or order, at the time it was adopted or made. They shall in the first week in January and July, in each year, make and declare such dividends of the profits resulting from their business, as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: Provided, that no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. Said directors shall make such by-laws, rules and regulations, not inconsistent with the laws of this State, and the by-laws of the company, as they may deem necessary for the good government of the company, in which they may prescribe the manner in which stock shall be transferred.

Sec. 9. That so soon as four hundred shares are subscribed and taken and the board of directors organized, the stockholders shall secure and pay to the company the whole amount of their stock, such part thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors, and if any stockholders shall neglect or fail to pay and secure the same as above required, within thirty days after being called upon by some one of the directors or servants of said corporation, either in person or by writing, left at his usual place of residence, or put in the post office and directed to the town or post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid as well as the stock for which he has subscribed. And when the stock of said company shall be paid and secured as above, and not before, the said company may commence business.

SEC. 10. Said company shall receive deposits of gold and silver coins and bullion and moneys of every description, on such terms and at such rate of interest not exceeding six per cent., as the parties may agree upon, and shall pay the same out agreeably to con-

tract, on demand of the depositor, and on failure to do so, shall pay an interest of six per centum per annum, from the time of such demand until the same shall be paid, and on judgment recovered on such contract, there shall be no stay of execution.

SEC. 11. That it shall be lawful for said company to invest any part of their capital stock, moneys, funds, or other property, in any public stocks or funded debts, or in the stocks of any chartered Bank or Banks in this or any other State, and the same to sell and transfer at pleasure, and invest [reinvest] whenever and so often as the situation of said company, or a due regard to the safety of its funds may require, or they may discount or loan the same on real or personal security for such periods of time, and under such restrictions and limitations as the directors thereof, for the time being, shall deem prudent, and for the best interest of the company: Provided, that contracts for interest shall not be at a higher rate than is allowed by law to individuals.

Sec. 12. That it shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be bona fide mortgaged, pledged, or deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees, or orders adjudged, decreed, or ordained, on transaction had with said company, or such as shall have been taken for a debt [due to them in the transaction of their business;] and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same, in the same manner that natural persons proceed on such securities, for the purpose of converting the same into money: *Provided*, that said corporation shall not hold real estate an unreasonable time, but shall sell all that may be taken as above, so soon as they can conveniently, and turn thesame into money, to the amount of the original debt and interest.

Sec. 13. That said company shall have full power to insure all kinds of property against loss or damage by fire, or any other risk whatever, and to make insurance on life or lives, and to take all kinds of marine risks, whether on the rivers or the seas, and and to lend money on bottomry and respondentia, to cause themselves to be insured against any loss or risk they may incur in the course of their business, and to underwrite any foreign or domestic bill of exchange, bond, note, or obligation, and generally to do and perform all other matters and things connected with insurances of every description, in all of which business and transactions the said company may charge such rate of premium as may be agreed upon by the parties.

Sec. 14. That the said corporation shall not, at any time nor under any circumstances, loan money under color or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit or any other paper or writing, which can be construed or made to answer the usual purposes for which the notes of the

State Bank or its Branches, or any other banking institution, are

designed or can be made to answer.

Sec. 15. It shall not be lawful for said corporation to place in the hands of any person or persons, directly or indirectly, any money or bank notes for the purpose of loaning or discounting paper, or under any pretence whatever, of discounting or engaging to discount any note or draft, unless the same be presented at its counter.

Sec. 16. That in all cases when execution shall issue against said corporation, the same shall first be levied of the goods and chattels, lands and tenements belonging to said corporation as its joint property; and on a return on such execution of "no property found," or not a sufficiency of property to satisfy such execution, then and in that case the individual property of each of the corporators which were stockholders at the time the debt, demand or liability accrued, shall be liable for said debt; but no execution shall issue against said stockholders in their individual character, until a scira facia shall be issued against and served on them to appear and show cause, if any they can show, why execution should not go against them; and upon such trial, the stockholder may be permitted to plead that he was not a stockholder at the time of contracting said debt, demand, or liability, or that the corporation was not liable for said debt, or any other legal cause of defence.

Sec. 17. That said corporation shall be liable to be taxed upon the amount of stock paid in and other effects; but the same shall not be chargeable to and collectable of the individual stockholders unless the corporation as such shall fail or refuse to pay the

same.

SEC. 18. This act to take effect and be in force from and after its

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## CHAPTER CCXII.

An Act to amend "An act to incorporate the Fairfield Hydraulic Company."

(APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the Fairfield Hydraulic company be and they are hereby authorized and empowered to appoint and employ agents, clerks, treasurers, surveyors, engineers, superintendent, [and] artists, that may be necessary for the transaction of all business contemplated in said incorporation-and shall keep a record of their proceedings,

hold meetings of the Directory upon call of the President, and at such times as the directors shall direct.

SEC. 2. Books for the subscription to the capital stock of said company may be opened by said directors, or any one of them, and may direct the time and place of the payment of said stock, and the amount of the same that shall be paid by said subscribers of their stock instalments.

Sec. 3. Said corporation shall have power to borrow money for the objects of said incorporation, shall grant certificates of stock upon final payment, [and] determine by by-law the manner in which

said stock shall be tranferred.

SEC. 4. That where, in the erection of the dam and cutting of the race for conducting the water to said mills, and to procure the necessary fall of water, a relinquishment of the right of way, or use of the necessary lands, cannot be procured by contract at fair prices, said company shall notify the owners and parties interested in said law [land] that the use of the same is necessary for said Hydraulic works, and shall apply to a justice of the peace of [the] township to have the damages resulting or to result to said party or parties assessed, for the seizure and use of said land for said purpose, and said justice shall summon and empannel a jury of twelve men, or a less number, if said parties agree upon a less number, who shall assess said damages, and said justice shall render judgment upon the finding of said jury, and either party shall have the right of appeal to the proper circuit court within thirty days; said party shall have ten days' notice of the time and place of said trial, and when said damages are so assessed and paid, said company shall have the right to use said land for said dam or race, doing no unnecessary damage to the parties interested.

Sec. 5. This act shall be in force from and after its passage.

## CHAPTER CCXIII.

An Act to change the name of Emeline Grubb.

(APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Emeline Grubb, of Cass county, Indiana, be and the same is hereby changed to that of Emeline Elam, and by said last mentioned name she shall hereafter be known and entitled to all of the rights and privileges she would have been had this act not have passed.

Sec. 2. This act to be in force from and after its passage.

#### CHAPTER CCXIV.

An Act to amend an act entitled "An act to incorporate the Peru and Indianapolis Railroad Company," approved 19th January, 1846.

#### [APPROVED JANUARY 15, 1849]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the sixteenth section of the act to which this is an amendment, be so amended, that after a judgment before any such justice of the peace as contemplated by said section, shall be rendered, it shall bind the stock, and be a lien upon said road for the payment of any such judgment, and whenever any such judgment shall be rendered, it shall vest in said company the right of way as fully as though the same had been paid and satisfied.

Sec. 2. That no appeal contemplated by said sixteenth section of the act to which this is an amendment, taken by either party from the proceedings of such justice at any stage thereof, shall prevent or interfere with the right of the company to operate upon said road on the lands where the right of way may be in dispute.

SEC. 3. This act to take effect and be in force from and after its passage.

#### CHAPTER CCXV.

An Act to incorporate the Lima Band.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That William A. Sanger, John Hume, John Salmon, and their associates, be and they are hereby constituted and declared a body politic and corporate, to be known by the name and style of "The Lima Band," with perpetual succession, and with full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto in law and equity, and in all courts of legal proceedings whatever, to make, have, and use a common seal, and the same to alter or renew at pleasure.

Sec. 2. Said Band is hereby authorized and empowered to adopt a constitution, and to make, establish, and enforce, such by-laws, rules, and ordinances, under said constitution, as they may deem

proper, not inconsistent with the constitution and laws of the United States, and of the State of Indiana.

Sec. 3. Said Band may make and appoint all officers necessary for the management and direction of the same, and make such rules and regulations for the reception or expulsion of members as they

may deem proper.

Sec. 4. Said Band may receive donations in money and property, and may purchase property, musical instruments, or books, and may hold or donate the same to the purposes of the Band, and may sell and convey any or all such property: *Provided*, That the amount of property so held by said corporation shall not at any time exceed in value the sum of five hundred dollars.

[Sec. 5. This act to take effect and be in force from and after its

nassage.]

### CHAPTER CCXVI.

An Act to authorize the establishment of a ferry across the Wabash river, at the town of Independence.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Frederick Ritnour, of the county of Warren, be and he is hereby authorized and empowered to establish a ferry across the Wabash river, at the town of Independence, in said county of Warren; said ferry to be conducted as other ferries are, and to be regulated and governed by the laws now in force, or which may hereafter be in force, in relation to ferries: Provided, That the said ferry shall be a horse boat ferry, and no other.

Sec. 2. All acts and parts of acts coming within the premises

has a been taken the read president thereof shall call a specific of

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[purview] of this act be and the same are hereby repealed.

Sec. 3. This act to be in force from and after its passage.

## CHAPTER CCXVII.

An Act to incorporate the Lafayette Plank Road Company.

#### [APPROVED JANUARY 3, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That James Spears, James Howe, Nathan H. Stockwell, John Purdue, and Addison M. Crane, and such other persons as may associate with them, be and they and their successors hereby are constituted a body politic and corporarate to have perpetual existence and succession, to be known as "the Lafayette Plank Road Company."

SEC. 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each; and said company is hereby empowered to increase the capital stock to any

sum not exceeding one hundred thousand dollars.

Sec. 3. The persons in the first section of this act named, or a majority of them, shall meet on the first Monday of February, A. D., 1849, between the hours of nine and eleven o'clock in the forenoon of that day, at the public house in the town of Lafayette, Tippecanoe county, Indiana, known as the Lafayette House, and organize said company by electing one of their body president, and after such organization shall immediately proceed and open a book for subscriptions to the capital stock of said company, which book shall be kept open at said Lafayette House, or at such other place or places as may be deemed proper, on that and the succeeding days, until said capital stock shall be subscribed and taken. Subscribers to said stock shall, at the time of subscribing, pay down in cash to the president of said company the sum of five dollars on each share subscribed for.

Sec. 4. The book of subscriptions to said stock shall contain the following entry and caption, to be signed by subscribers to said stock, viz:

## LAFAYETTE PLANK ROAD COMPANY.

"We, the undersigned, promise to pay to the Lafayette plank road company, fifty dollars for each share of stock set opposite our names, five dollars on each share of which is paid at the time of subscribing hereto, and the remaining sum of forty-five dollars on each share, to be paid at such times, and in such sums as said company may direct, and for any failure or default to pay within twenty days after such payment shall be directed to be made, we hereby agree to pay two per cent. per month on such sum until paid. Witness our hands at the date prefixed to each of our names."

Sec. 5. So soon as the capital stock of said company shall all have been taken, the said president thereof shall call a meeting of

the stockholders by publishing in some newspaper printed at Lafavette aforesaid, at least ten days before the meeting shall be held, a notice setting forth the time and place of such meeting, and the said stockholders, or such of them as may meet at the time and place so appointed, shall proceed and elect five persons of their number to be directors of said company, who, with the president already chosen, as provided for in the preceding third section of this act, shall hold their offices until the succeeding first Monday of February, and until their successors are chosen. Any vacancy which may occur in any of said offices, either by death, resignation, refusal to serve, removal, or from any other cause, may be supplied in such manner as said corporation shall, by by-law, direct. The annual meeting of said company shall be on the first Monday of February, and a semi-annual meeting shall be held on the first Monday of August in each year: Provided. That whenever the stock shall have been subscribed to said company, as provided for in the tenth section of this act, then it shall be lawful for the stockholders of said company to elect four additional directors, two of whom shall reside in Putnam county, and the other two in Montgomery county.

Sec. 6. Certificates of stock shall be given to the stockholders, signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation, in such manner as said company may by by-law prescribe; but the company shall at all times hold a lien on all stock for any dues from the holders thereof to said company, or for sums which may thereafter become due to said company on contracts made prior to such trans-

Sec. 7. Said corporation shall keep a book containing a journal of its proceedings, which, being signed by the president and attested by the clerk, shall be prima facie evidence in all courts of justice,

and in all other places, of the facts therein stated.

Sec. 8. It shall be lawful for the directors to require payment from subscribers to the capital stock of the sums subscribed by them, at such times, and in such proportions, and on such conditions as they shall see fit, under a penalty of two per cent. per month, for any delay or default in making such payment, and also of the forfeit use [forfeiture] of their stock, and of all previous payments thereon, and they shall give notice of the payments thus required, and of the time and place, when and where to be made, in such manner as said corporation may by by-law direct.

Sec. 9. Said corporation shall have the power, and are hereby authorized, to survey and locate a road from Ellston's mill, near Crawfordsville, in the county of Montgomery, by way of Lafayette, in the county of Tippecanoe, to the town of Dayton, in said county of Tippecanoe, and if said company shall so elect and determine, they may locate said road between Lafayette and said Ellston's mill, on the ground and grade of the turnpike extending from Crawforsdville to Lafayette, on any part of said turnpike, as to said company

may seem proper; Provided, That said company shall obtain the consent of the board of county commissioners of Montgomery county for the privilege of occupying so much of said turnpike as lies within said county of Montgomery, or such portion as said company may occupy, which consent said board is hereby authorized to give; Provided, That if the board of commissioners of Montgomery county shall give their consent as aforesaid, said company shall construct said road to said town of Crawfordsville. And the State of Indiana does hereby grant, relinquish, and give to said company said turnpike road, known and designated as the Indianapolis and Lafayette McAdamized road, and all bridges and improvements thereon, and the full right to occupy and appropriate the same, or any portion thereof, for the purpose of constructing said road. And between Lafayette and Dayton said company may, if they shall deem proper, locate said road upon any State or county road, or other public highway which they may choose to occupy and appropriate for that purpose, with the consent of the board of county commissioners of said county of Tippecanoe which consent said board are hereby authorized to give. Said company may take releases and conveyances of the necessary lands of any and all persons over whose lands the road may be located, and any such release or conveyance may be executed by any infant, feme covert, guardian, executor or administrator, and being so executed shall be valid and effectual in law, and rest in said company a full and complete title in fee simple to the lands so conveyed or released.

Sec. 10. That it shall be the duty of said board of directors to open books for the subscription of stock to said company at Greencastle, in Putnam county, within one year from the passage of this act. and if the citizens of Putnam county subscribe to the said company the sum of twenty-five thousand dollars good and solvent stock in the manner hereinbefore provided, and the inhabitants of the county of Montgomery, south of Crawfordsville, subscribe the further sum of twenty thousand dollars good and solvent stock to said company, in the manner aforesaid, within two years from and after the passage of this act, then it may be lawful, and shall be the duty of the said directors, or their successors in office, to locate and finish the said road from Ellston's mill, in Montgomery county, (or from Crawfordsville, as the case may be,) to Greencastle, in Putnam county, in the same manner and under the same restrictions and liabilities as the other part of said road is required to be completed by this act. And the said directors may run the said road upon or along any State or county road in said counties of Putnam and Montgomery, by first obtaining the consent of the boards of commissioners of said counties; Provided, That the said directors shall not be compelled to complete the part of said road contemplated by this section until the 1st day of December, eighteen hundred and fifty-four.

Sec. 11. For the purpose of locating and constructing said road it shall be lawful for said company, by their agents or persons in their employ, to enter upon any lands to make surveys and estimates, and to take from the land occupied by said road any stone. gravel, timber, or other materials necessary to construct said road

and the bridges thereon.

Sec. 12. If any person or persons owning land over and uponwhich said road may be located, shall refuse to relinquish the same for the use of said road, and no satisfactory contract can be made by said company with such owner therefor, it shall be lawful for said company to give notice to some justice of the peace of the county, and thereupon such justice shall summon the owner of said land, if a resident of the county, to appear before him on a day to be named therein, and within ten days thereafter, and if the parties cannot then agree, said justice shall issue a venire for summoning before him a jury of three disinterested men of the county to be selected by said justice; and such jury, after having taken an oathor affirmation faithfully and impartially to assess the damages, if any, shall view the lands upon which such damages are claimed, and shall determine the same, duly considering the advantages and disadvantages of such road to said owner, and shall make report thereof to said justice, whereupon he shall enter judgment upon such report, from which judgment either party may appeal to the circuit court.

Sec. 13. If the owner is a minor, feme covert, or shall resideout of the county where such lands may be, such justice shall cause three notices to be put up in three public places within the township where such lands are situated, of the time and place of summoning such jury to make such appraisement, and if no person appears for such minor, feme covert, insane person, or non-resident of the county, said justice shall appoint some disinterested person to act on behalf of such absentee, and shall then proceed as in other cases, and in all cases costs shall be awarded in the discretion of

the jury.

SEC. 14. In case said company shall require for the construction of said road any stones, gravel, timber, or other material from the land of any person adjoining on or near to said road, and said company cannot contract with the owner for the same, such company may proceed in like manner, except as to estimating the advantages of said road, to have the value of such materials assessed as is above provided for assessing the value of lands, and in every such case of lands and materials said company may take possession and use the same immediately after having paid to said justice, for the use of the owner of such land or materials, the sum, if any, which may have been assessed therefor, notwithstanding any appeal which may be pending; Provided, nevertheless, That said company shall be still liable for any judgment that may be rendered against them on such appeal, over and above the amount so assessed by said appraisers.

Sec. 15. If any person or persons, body politic or corporote, over and upon whose lands said road may be located and constructed, shall not, within six months after such is completed across said lands, commence proceedings at law or in equity to recover damages for the land taken and occupied by said road, such person or persons, body politic or corporate, and all persons claiming by, through, or under him or them, shall be forever thereafter incapable of sustaining any action, either to recover said land or damages on account of the appropriation thereof.

Sec. 16. No injunction shall be granted against said company or any agent, laborer, or other person in their employ, or acting under their authority, to restrain or enjoin said company, or any such agent or laborer, from doing any act, unless notice for the an. plication for such injunction, specifying before whom and when and where such application will be made, shall be given to such company at least five days before such intended application, by written notice served on the president, clerk, or one of the directors thereof which notice shall be accompanied by a copy of the bill upon which such application for an injunction will be made. Any injunction granted contrary to the provisions of this section, shall be absolutely void and of no effect, and no proceeding for contempt for disobedience thereto shall be taken or sustained. Any person in the employ, or acting under the authority of said company, if attached for the violation of an injunction granted without the notice therein required, may, where the bill upon which the injunction is granted does not disclose that fact, or sets up a different state of facts, show and prove in answer to such attachment, that the acts complained of were done by him under the authority of, or as a laboror or agent for said company, and thereupon such person so attached shall be discharged from custody, and from such attachment.

Sec. 17. Said company shall cause said road to be opened, and shall construct the same of plank, timber, or other hard material, so that the same shall form a hard and even surface, and that portion built of plank or timber shall consist of a permanent single track plank way, with proper grades and structures of earth on one or both sides, to enable teams or vehicles to pass each other, and to be of a width and be constructed in the particular manner that said company may determine; and upon such portion as may be built of gravel, earth, or other materials than timber or plank, the worked part shall not be less than twenty feet wide. Said company may, should they deem it proper, construct a double track plank way upon the whole or any portion of said road; except so much of said road commonly known as the "soap factory" and "black swamp," which shall be constructed of the width of sixteen feet, at the time of the completion of said road."

Sec. 18. Said road shall be commenced so soon, but not before, the whole capital stock of fifty thousand dollars is subscribed, and shall be completed by or before the first day of December, A. D. eighteen hundred and fifty-two.

SEC. 19. If said road after its completion, or any part thereof, shall be suffered to be out of repair so as to be impassable for the

space of one year, unless when the same is repairing, said company may be proceeded against by quo warranto as for a violation of this charter; and if said company shall suffer said road to be out of repair to the hindrance or delay of passengers for an unreasonable length of time, they shall have no right to collect tolls thereon until the same is repaired.

SEC. 20. Whenever five miles of said road shall be completed. a gate may be erected thereon, and so on for every additional five miles until the whole is completed; and after such road is completed, said company may erect and maintain toll gates at such points and at such distances from each other, as they may deem proper; Provided, That no gate shall ever be erected or maintained within one mile of the present corporate limits of the town of Lafayette, or within one mile north of the mill known as Elliston's mill, nor between said mill and Crawfordsville. The tolls chargeable on said road and payable at the gates erected thereon, shall not exceed the following rates for every ten miles travel thereon, and in proportion for any greater or less distance, viz: for every four wheel coach, carriage, buggy, wagon, or other vehicle, drawn by one horse or other animal, fifteen cents; for every horse or other animal in addition thereto, five cents; for every cart or other two wheel carriage drawn by one horse or other animal, twelve cents; for every horse or other animal in addition thereto, five cents; for every sled or sleigh drawn by one horse or other animal, ten cents; for every horse or other animal in addition thereto, five cents; for any of the vehicles aforesaid, used chiefly as pleasure or traveling carriages, or for the purpose of carrying passengers, or passengers and their baggage, five cents for each person or passenger, exclusive of the driver, so carried, in addition to the rates above prescribed; for every horse and rider, five cents; for every horse, mule, or ass, six months old or upwards, led or driven, three cents; for every head of neat cattle six months old and upwards, two cents; and for each hog, sheep, or other animal not herein before enumerated, one cent.

Whenever said company shall between Crawfordsville, or the point of termination near Crawfordsville, and Lafayette, or between Lafayette and Dayton, have completed a double track or way over that portion of the road upon which a plank way may be constructed, then on either of said portions of said road upon which said double plank track or way may be completed as aforesaid, said company may, and it shall be lawful for them to charge one fifth in addition to the tolls above specified. Funeral processions, ministers of the gospel, persons going to and returning from mill on horse back, and soldiers of the United States, shall always pass on said road free of toll.

Sec. 21. Said company may make, enact, and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State or of this charter, in order to regulate the travel upon said road, and the rules to be observed in meeting or passing with wagons or carriages, and all other matters

which may be deemed for the welfare of said company; and any person wilfully violating any ordinance or by-law made by said company, shall forfeit and pay to said company the sum of five dollars, to be sued for and collected by said company in an action of debt, before any justice of the peace of the county where the delinquent or offending party may be found.

SEC. 22. Said company shall put a post or stone at the end of each mile, each way from the public square in Lafayette, with the number of miles therefrom cut or painted thereon, and also at or near each gate they shall place a board with the rates of tolls and

penalties painted or printed thereon.

Sec. 23. Dividends of the profits of said company shall be made and declared among the stockholders semi-annually, on the first Monday of February and the first Monday of August, every year; but before any such dividends shall be made, there shall be set aside and funded in such manner as said company may direct, a sufficient sum as said company may determine, to keep said road in repair, and rebuild the same as it may wear out or become delapidated.

Sec. 24. If any toll-gatherer or gate keeper on said road shall unreasonably detain any person or passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be sued for and recovered by the party aggrieved, with costs of suit, before any justice of the peace having jurisdiction, within twenty days after the occurrence.

Sec. 25. If any person or persons useing any part of said road shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road to avoid any toll gate, or shall make any untrue statement as to the distance he or they may have traveled, or intend to travel on the road, or shall practise any other fraudulent means, and thereby lessen or avoid the payment of toll, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to said company the sum of ten dollars, which may be recovered in the name of said company in an action of debt, before any justice of the peace of the county where the offending party may be found; Provided, Nothing herein contained shall prevent persons residing on or near the line of said road from passing thereon between the gates about their premises for common and ordinary business.

Sec. 26. If any agent, treasurer, toll-gatherer, or other person to whose possession or custody any of the moneys of said corporation shall come or be, shall convert any of said monies to his own use, or make way with the same in any way, he shall be deemed guilty of embezzlement, and upon indictment found, shall be punished in the same manner, and to the same extent, as if he had stolen the amount so embezzled. The neglect or refusal of any such person to pay over on demand, to said company, or their agent, any monies in his hands belonging to said company, shall be deemed prima facie evidence that he has embezzled the same.

SEC. 27. Upon any and all judgments and decrees recovered and rendered, either in favor of said company against any person or persons, or in favor of any person or persons against said company, property may be taken and sold upon the execution issuing thereon, without any valuation or appraisement, and for the highest and best price it may bring.

SEC. 28. The said corporation may purchase and hold lands to the value of not exceeding ten thousand dollars, over and above such lands as may be necessary in the construction of said road.

Sec. 29. Except as in this act is otherwise provided, this corporation shall possess the general powers and be subject to the general restrictions and liabilities contained in the second article of chapter thirty-two, of the Revised Statutes of 1843.

Sec. 30. That the directors of said company shall be liable in their individual property, for any debts they may contract over and above the solvent stock of the company; and the legislature reserves the right to alter, amend, or repeal this act, whenever its provisions shall have been violated.

SEC. 31. This act shall be deemed and taken to be a public act, and shall be liberally construed, and shall take effect and be in

citier party shall have the might to appear to the circuit court of the

the bridge on the east bank of White river near Brookville, erected

sec. 3. Said commune thall be and hereby are authorized to use

force from and after its passage.

## CHAPTER CCXVIII.

An act to amend an act entitled, "an act to amend and reduce into one the several acts relating to the corporation of the town of Vevay," approved 20th January, 1846.

#### [APPROVED JANUARY 5, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That section 17 of an act entitled, "an act to amend and reduce into one the several acts relating to the corporation of the town of Vevay," approved 20th January, 1846, be and the same is hereby so amended as to authorize the corporation to order and cause to be made the improvements in said section contemplated, upon the petition of a majority of the owners of real estate on the streets, signed by themselves or agents, instead of two-thirds.

Sec. 2. That as much of said section as requires petitions therein contemplated to be signed by two-thirds of the owners, be and the

same is hereby repealed.

Sec. 3. This act to be in force from and after its passage and publication in the Indiana Palladium.

Sec. 27 . Upon any and all judgments and decrees recovered and

## CHAPTER CCXIX.

An act to amend the act to incorporate the Harrison, New Trenton, Rochester, and Brookville Turnpike Company.

#### (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the Harrison, New Trenton, Rochester, and Brookville turnpike company, be and are hereby authorized to construct said road of a less width than sixty feet in streets of towns where said streets are not of that width, and elsewhere on said road.

SEC. 2. That when said company shall not be able to procure the right of way, gravel, and other materials necessary for the construction of said road by voluntary relinquishment or by contract at a fair price at convenient points, said company shall select one arbitrator, and the owner of said land or materials another, and they a third, who shall assess the damages accruing or to accrue by the seizure and appropriation of the same to the use of said company for said road, and upon payment or tender of payment by the same, said company is authorized to seize and appropriate the same, and either party shall [have] the right to appeal to the circuit court of the proper county.

Sec. 3. Said company shall be and hereby are authorized to use the bridge on the east bank of White river, near Brookville, erected by the State and now free for the use of the travelling public as a part of said turnpike road, said company paying one-third of the expenses of repairing the same, and without any power to collect

tolls for the use of the same.

Sec. 4. This act to be in force from and after its passage.

#### bas rabas of goding CHAPTER CCXX.

An act to incorporate the General Association of Baptists in Indiana.

## (APPROVED JANUARY 5, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Milton Stapp, J. R. Osgood, T. R. Cressey, and C. H. Crawford, the Moderator, Recording Secretary, Corresponding Secretary, and Treasurer, together with the present Trustees of the General Association of Baptists in the State of Indiana and their

associates and successors, be and they are hereby made and constituted a body politic and corporate by the name, style, [and title] of "the General Association of Baptists in the State of Indiana," with power to receive donations, contributions, devises, and bequests of real and personal property, or money, not exceeding one hundred thousand dollars, and to dispose of the same for the spread of the gospel within the State of Indiana, with power to make and enforce contracts, to appoint agents and missionaries, and to [do] all and every thing not contrary to law and right to promote the spread of the gospel in the same.

Sec. 2. That said corporation shall have power to make all by-laws, rules, and regulations, to carry out the objects of the association: *Provided*, The same are not inconsistent with the laws of the

State.

Sec. 3. The said association shall meet annually at such time and place as they may determine by a vote of the association, and shall direct by their by-laws now in force, or whichmay here after be adopted, who shall be members of said association, and shall at their annual meetings elect a moderator, recording secretary, corresponding secretary, and treasurer, together with thirty-six trustees, who shall be [the] officers of the association, with power to transact the business of the association when the same is not in session, five of whom shall be a quorum to transact business.

Sec. 4. The officers of the association shall be the officers of the board of trustees; but in the absence of any one of them, a protem appointment shall be made, who shall perform the duties.

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## CHAPTER CCXXI.

An act to incorporate the United Protestant German Saint Zion Church, in Union township, Shelby county, Indiana.

#### (APPROVED JANUARY 4, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Henry Naegle, Peter Nab, Michael Haehl, jr., [George Michael] Theobold, Conrad Haehl, jr, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of the trustees of the United Protestant German Saint Zion Church, and by said corporate name may sue and be sued, plead and be impleaded, in any court of this State, and by that name have perpetual succession, and they shall in law in said corporate name, be capable of purchasing and holding, bar-

gaining and selling any property, either real or personal, for theuse of said church, whether by legal or equitable title, not to exceed in value twenty thousand dollars.

Sec. 2. They shall further be empowered to receive all and singular, any subscriptions, gifts, grants, donations, and bequests designed for the benefit of said church, which shall be held and solely applied to the use and benefit of said church, in the manner which said trustees shall deem most judicious and expedient.

Sgc. 3. It shall be lawful for such trustees to hold meetings at such places and at such times, and as often as it may suit them, or as their business may require, to sit on adjournments on the call of the proper officer, or one of their body, and to elect or appoint such officers and establish such rules or by-laws for their government as they or a majority of them may see fit: Provided, however, That such rules or by-laws shall not be incompatible with the constitution or laws of this State or of the United States.

Sec. 4. It shall be lawful for the members of said church to perpetuate this board of trustees by annual appointment, or in any way they may think proper, and also to fill vacancies which may in any way occur, and the trustees at any time chosen, shall hold their office for one year and until their successors are chosen or appointed, they shall also keep a record of their proceedings, which

shall be open to the inspection of all persons concerned.

Sec. 5. The acts and doings of the present trustees of said church are hereby declared valid in law, to [all] intents and purposes, in the same manner as they would have been had they fully complied with the statute in such case made and provided, and all property now held by said church, either by legal or equitable title, or designed for the benefit thereof, whether acquired by purchase, subscription, gift, bequest, or donation, is hereby vested in the board of trustees herein created, and their successors for the benefit of said church, the same as though said property had been acquired under the provisions of this act.

Sec. 6. The Legislature hereby reserves the right to alter,

amend, or repeal this act at any time.

Sec. 7. This act is hereby declared a public act and the same shall be construed favorably for every beneficial purpose herein intended.

known by the name and style of the trust or if the Entred Protect

Sec. 8. This act to be in force from and after its passage.

## CHAPTER CCXXII.

construct a turngille road from the fown of Williamsburg to Econo

An Ac: to amend "an act incorporating the Logansport and Rochester Michigan Road Company, approved January 16, A. D. 1846."

#### [APPROVED JANUARY 13, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the word eleven in the fifth section be stricken out and the word five inserted, and that the eighteenth and nineteenth sections of said act be repealed, and the word sixteen in the eleventh section be stricken out and the word eight inserted.

SEC. 2. This act to be in force from and after its passage.

#### CHAPTER CCXXIII.

An Act to incorporate the Williamsburg and Economy Turnpike Company.

#### (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That William Russey, Barnabas Coffin, William Locke, J. M. Williams, and Stephen Coffin, all of the county of Wayne and State of Indiana, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body corporate and politic and by the name and style of the "Williamsburg and Economy Turnpike Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary bylaws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of twenty-five dollars each, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated, and said company shall have full authority to receive said subscriptions of stock in labor, or materials for the con-

struction of said road.

Sec. 3. Said company shall have power to mark out, make, and

construct a turnpike road from the town of Williamsburg to Economy in Wayne county, and for that purpose all the provisions of a law, passed at the present session of the General Assembly, entititled "an act to incorporate the Richmond and Newport Turnpike Company, approved January 5, 1849," be and the same are hereby made a part and parcel of this charter, and said Williamsburg and Economy Turnpike Company shall have all the privileges and benefits conferred by said charrer on the Richmond and Newport Turnpike Company, so far as the same may be applicable to the objects of said company.

SEC. 4. This act to be in full force from and after its passage.

#### CHAPTER CCXXIV.

sac. 2. This not to be in lorce from and after its passage.

An act to incorporate the Madison Iron Manufacturing Company

(APPROVED JANUARY 15, 1849.)

Section. 1. Be it enacted by the General Assembly of the State of Indiana, That Elias Philips, Michael G. Bright, Henry Hildreth, C. P. J. Arion, and Milton Stapp, and their associates, and successors, be and they are hereby constituted a body politic and corporate, under the name, style, and title of the "Madison Iron Manufacturing Company," and by such name may sue and be sued, defend and be defended, answer and be answered unto, in any competent court in this State or elsewhere, and by such name shall make and have a common seal, and the same alter and change at pleasure; and shall be able and capable in law of contracting and being contracted with, and doing all and every thing in their business as herein allowed as individuals might, could, or would do.

SEC. 2. That said company shall have power to purchase lands sufficient to carry on their operations as Iron Manufacturers, and for building steamboats, ships, and other vessels, not exceeding one hundred acres, and shall have power to establish thereon manufacturing establishments for rolling and moulding iron, making nails, and to work in iron, brass, and steel, in all its departments, and also to erect saw mills, and to build steamboats and other vessels, to make boilers and machinery for the same, or for any other manufacturing establishment, and all other appurtenances belonging to the same in any particular whatever.

Sec. 3. That the capital [stock] of said company shall be one hundred thousand dollars, but may be increased to two hundred thousand dollars by a vote of [the] stockholders at any time when their interest may require such increase, which stock shall be taken in shares of

fifty dollars each to be subscribed for as hereinafer directed, and that so soon as fifty thousand dollars shall be subscribed for and paid in or secured to be paid the company may commence operations.

SEC. 4. That books for the purpose of procuring subscriptions to such stock shall be opened at the city of Madison and elsewhere, under the directions of [the] above named persons or any one they may appoint, and under such restrictions and limitations as they shall direct, and [the same] shall be paid to the company in such instalments and under such forfeitures as may be directed by the by-laws, rules, and regulations of the company, made from time to time by the above named commissioners or the directors of said company: Provided, That subscribers for stock in said company shall be liable for the amount of their respective subscriptions in a suit at law in any court of competent jurisdiction, and a plea of a want of consideration shall not be allowed.

SEC. 5. That the stock, property, estate, and concerns of said corporation shall be managed by seven directors, who shall be stockholers, and shall be elected by the stockholders, in such manner as may be directed by the by-laws of the company, on the first Monday of May in each year: Provided, That if for any reason the stockholders shall neglect to elect on that day, they may meet and elect on any other day to be appointed by the directors, and ten days' notice given thereof of the time of suchelection in some newspaper published in the city of Madison: Provided, also, That the stockholders shall have one vote for every share of stock he may own in said company, and may vote by proxy, and a majority of the votes of such company given shall elect.

Sec. 6. That the above named persons, shall be the first directors of said company, and shall hold their offices until others are duly elected and qualified, and may in their discretion order an election on the first Monday in May next or not, as they may think best, but shall after that time order an election on the first Monday of May succeeding the taking and securing the payment of fifty thousand dollars of stock to said company.

Sec. 7. The persons above named may, at any time and place to be agreed upon by a majority of them, proceed to organize by appointing one of their body as president, and also a secretary to be taken from among themselves or elsewhere, and so the directors elected as provided by this act shall also elect one of their own body as president, and a secretary as above, and when thus organized may proceed to business.

Sec. 8. That said directors shall have power to fill all vacancies in their body, whether it occurs from non-acceptance of office, death, resignation, or otherwise, which person so appointed shall be a stockholder, and shall hold his office until the next annual election, and until his successor is elected and qualified, and four of the directors thus appointed or elected shall at all times be a quorum to transact business.

SEC. 9. That the directors so appointed or elected shall have

power from time to time to adopt all such needful rules and regulations, and to pass all such by-laws as may be necessary for their good government and to carry out the objects of this charter, and shall in such by-laws point out the mode by which stock may be sold and transfered, which by-laws, made not inconsistent with the constitution and laws of this State, shall be binding on the stockholders, officers, and secretary of said company.

SEC. 10. The directors aforesaid shall have power to appoint all officers, agents, clerks, and secretaries, necessary to carry out the matters and things contemplated in this act. They shall have power to take security either personal or on real estate as also on steam boats or vessels of any description, for any contract, work, or performance on their part executed, entered into, or done, and they shall keep a book or books of account in which all their accounts shall be kept and posted, and shall be open for the inspection of

the stockholders at all times.

SEC. 11. That the manufacturing establishments contemplated in this act shall be erected in or near the city of Madison in the

county of Jefferson.

SEC. 12. That said company shall have power to make a railroad or railroads from said works into every part of the city of Madison, first having obtained leave of the city authorities so to do, or may join the Madison and Indianapolis railroad by the consent of said railroad company, or may make a road or roads to the Ohio river: Provided, That said roads do not interfere with the present rights of others.

Sec. 13. That said corporation shall not engage in any business operation by which they would furnish the community with a circulating medium of any description, and the stockholders shall be individually responsible for the amount of stock they may severally subscribe and which is not paid in to such corporation.

Sec. 14. This act to take effect and be in force from and after

its passage.

#### CHAPTER CCXXV.

An act declaring certain laws relative to roads and highways to be in force in the county of Lawrence. Dion Hard Sing residents to the

## [APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That articles three, four, five, and six, of chapter sixteen, of the Revised Statutes of eighteen hundred and forty-three, are hereby declared to be in force in the county of Lawrence: Provided, however. That the board doing county business may or may not, at their discretion, assess the highway tax on real estate as is provided for in section one hundred and three, article four, above referred to.

Sec. 2. All laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed so far as the same

relates to the county of Lawrence.

Sec. 3. This act shall take effect and be in force from and after its passage.

### CHAPTER CCXXVI.

barrens That times Hurshelm late Sheriff of Currell county, by an

An act to authorize the county commissioners of Laporte county to prohibit hogs from running at large.

#### (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for a majority of the qualified voters of any township in the county of Laporte, to petition the county commissioners of said county to prohibit hogs, pigs, or shoats, from running at large in such township, under such penalty as may suit the petitioners. On the filing of such petition verified by the affidavit of one or more of said petitioners that it contains a majority of all the qualified voters of said township, it shall be the duty of the commissioners at their first session thereafter, or if in session at the time, at that session, to pass an order in compliance with the

prayer of the petition.

SEC. 2. It shall be the duty of the Sheriff of said county within four days thereafter, to cause notices thereof to be posted up in three of the most public places of said township, and also one at the door of the office of the clerk of the Laporte circuit court, and after such notice shall have been given for two weeks, the said order of said board shall be in force, and the petitioners therein specified may be enforced by an action before any justice of the peace of the proper township by and in the name of any person who will undertake the same, or in such other way as the board shall order and determine; such order shall be in force for such length of time as said petitioners may in their petition desire, not exceeding one year: Provided, That said order shall be repealed on the petition

of a majority of the qualified voters of such township, verified as

Sec. 3. This act shall be in force from and after its passage

harrenon, seaces the highway tax on real estate as is provided for

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#### CHAPTER CCXXVII.

An act for the relief of Enoch Rineheart, of Carroll county.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Enoch Rineheart late Sheriff of Carroll county, be and he is hereby allowed the sum of two hundred dollars out of any money in the State Treasury not otherwise appropriated, for money paid by him as rewards for [the] arrest of Samuel F. Cook and George W. Spencer, charged with the crime of forgery.

Sec. 2. This act shall be in force from and after its passage.

## CHAPTER CCXXVIII.

merson 1. Be it enorsed by the General Assembly of the State of The

An act to amend an act entitled, "an act to incorporate the city of Richmond, Wayne county, Indiana," approved February 24, 1840.

## (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of extending the authority of the common council of the city of Richmond, they shall have the power to pass ordinances and enforce the same whenever it shall, by said council, be deemed for the general interest of the citizens, compelling the grading, curbing, and paving of side walks, and the grading and paving of side gutters at the expense of the owners of the property adjoining.

Sec. 2. This act shall take effect and be in force from and after

and determine; such order aliall he in love levench tength of time

its passage.

#### CHAPTER CCXXIX.

An act to amend an act entitled, "an act to incorporate the Mooresville Branch Rail Road.

Company," approved February 15, 1848.

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the above recited act of incorporation shall be and the same is hereby so amended as to add to the persons named as the corporation in the first section of said act, Fabius M. Finch, Kobert Hamilton, and John Herriott, of the county of Johnson, and further, the said corporation is hereby authorized and permitted to construct either a railway as provided in said act, to which this is amendatory, a plank road, or McAdamized or graveled turnpike, subject to all the restrictions, and entitled to all the rights and privileges of the above recited act of incorporation, that may be applicable to the description of improvement that they or a majority of them may select and adopt: Provided however, That said work shall be commenced at Mooresville, and be prosecuted continuously from that place to the point of empletion.

Sec. 2. The said corporation shall have power to call for such portions of the stock subscribed for not, exceeding fifty per centum, every twelve months, as they may think proper: Provided, That the company shall determine to construct either a plank or turnpike

road, as authorized by this act.

Sec. 3. It shall be lawful for the said corporation to lay the railway, plank, or turnpike road, upon and across, and occupy in part or in whole, any county or State road lying in the route selected by said corporation: *Provided*, That they shall first obtain the consent of the board of commissioners, for the county in which said road or part of road shall lie, so to do.

Sec. 4. The 22d section of the act to which this is amendatory, is hereby so amended as to give the Legislature the privilege of prohibiting the corporation from charging greater rates of tolls than will, after paying the expenses of keeping and repairing such plank, or turnpike road, divide ten per cent. upon the capital stock thereof.

Sec. 6. This act to be in force from and after its passage.

#### CHAPTER CCXXX.

An act to record the survey of a State road in Ripley county

[APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the proceedings of the board of commissioners of Ripley county, in ordering the county surveyor of said county as they were authorized to do by the provisions of the 71st section of the general road law, to ascertain, survey, and describe the traveled road heretofore used but not described or surveyed, leading from Versailles in Ripley county, to Vernon in Jennings county, so far as it lies in the county of Ripley, and then extending [entering] the survey and report of said surveyor upon the record books of said board of commissioners, and also their confirmation thereof, all of which was done without objection, be and the same are hereby legalized and confirmed.

Sec. 2. That hereafter in all cases commenced by supervisors of public roads and highways, before a justice of the peace against any person or persons, for any violation of the provisions of sections 121, 122, 123, and 124, of article six, of chapter sixteen, of the Revised Statutes of 1843, the defendant shall have the right in all cases, when the same may have been taken to the circuit court by either party, to appeal or prosecute a writ of error within the time now prescribed by law, to the Supreme Court, from the judgment, order, or decree of any such Circuit Court, and the Supreme Court shall take cognizance of and try and determine the same as in other cases, without any regard to the amount in controversy.

## CHAPTER CCXXXI.

An Act to incorporate the Fort Wayne and Southern Railroad Company.

(APPROVED JANUARY 15, 1849)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Allen Hamilton, Joseph Sinclair, Samuel Hanna, William Rockhill, Henry Rudisell, Moses Jenkinson, Hugh McCulloch, and William G. Ewing, of Allen county; Jonathan Garton, Engle Starr, John Studabaker, S. G. Upton, Samuel Decker, and James R.

Greer, of Wells county; George S. Howel, Lewis Bailey, Jacob Bugh, William T. Shull, William F. Jones, and Josiah Twible, of Blackford county; Charles Carter, Joseph Buckles, William Adsett. Frederick Carter, and Calvin P. Streeter, of Delaware county, and their associates and successors in office, duly elected as hereinafter provided, are hereby constituted a body corporate and politic, by the name and style of "The Fort Wayne and Southern Railroad Company," and shall be able and capable in law to sue and be sued. plead and be impleaded, answer and be answered unto, in any and all courts of justice in this State, to make and use a common seal. the same to alter or amend at pleasure; and shall be able and capable in law to make contracts and enforce the same, make and enforce all necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act and the objects thereby contemplated, not inconsistent with the laws of the United States and of the State of Indiana.

SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, with the privilege of increasing the same to seven hundred and fifty thousand dollars, if deemed necessary, to be divided into shares of twenty-five dollars each, which shall be

subscribed and paid in as hereinafter provided.

Sec. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree upon, and organize said corporation by electing one of their own body to be president, and after such organization any three of the board shall be a quorum, but after an election for directors it shall require five

to form a quorum.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, engineers, superintendents, and artists, and all other officers and servants necessary to carry into effect the provisions of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and orders for the payment of such allowance as shall be made to their officers, servants, and all others who may be in their employ, which journal shall from time to time be read by the board, and if found to be correct shall be signed by the president. When the president is absent, they may appoint a president pro tempore. They may fill all vacancies that may happen in their own body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time, and at such place or places as they shall choose, due notice of which shall be given, and in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite to our names, in such manner and proportion, and at such time as the president and directors of the Fort Wayne and Southern Railroad Company may direct. Witness our hands this — day of ——— A. D., 18—.

Sec. 6. It shall be lawful for all persons of lawful age, for the agents of any corporate body, for the agent of the United States

on behalf of the same, to subscribe for any amount of our capital stock; and the books shall be kept open for such space of time and at such place or places as the corporation chooses, and may be reopened at any time; and they may by an agent offer for sale in any other State any amount of stock, on such terms and conditions as they may think advisable; and they shall have power on their own credit to borrow money upon such terms as may be agreed upon between the parties. The corporation may require such sum of money to be paid, at the time of subscribing, not exceeding five dollars on each share, as they may deem most advisable; but such requisition shall be made known by being inserted in the notice for opening the books; any future payment of the stock shall be under the control of the corporation.

Sec. 7. At any time after five hundred shares are subscribed for and five dollars paid in on each share, it shall be the duty of the corporation to give three weeks' notice thereof in one or more public newspapers published in this State; and in such notice to appoint a time and place for the stockholders to meet to elect ten directors. who shall be stockholders, which election shall be held within three months after the last share in five hundred shall have been subscribed for, and be conducted by two judges, appointed by the stockholders present, and the person having the majority of all the votes given and counted in public, shall be declared duly elected; no share shall confer the right to vote at any election, unless the same shall have been held one month previous to the election, and in all elections each share shall entitle the holder to one vote; and votes may be given by persons holding the same, or by one of any partners, or by the husband, father, mother, administrator, or executor, or trustee, or agent, or by the authorized agent of any corporation, or of any State, or of the United States, or any person having the right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as aforesaid, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can and elect one of their own body to be president; [the president] and directors thus elected shall continue in office until the next annual election, and antil their successors are elected and qualified.

SEC. 9. All elections after the first shall be held on the first Monday of October annually under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting of the stockholders present, of which election notice shall be given: *Provided*, That if from any cause whatever there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election at any other day.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held, the same shall be signed by the president and countersigned by the clerk; the stock shall be transferable on the books of the corporation, only personally, or by an agent, or attorney, or by the executor, administrator, trustee, or

guardian; but such stock shall at all times be holden by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made

prior to such transfer.

Sec. 11. The corporation shall have power to call for such pronortion of the stock subscribed not exceeding twenty-five per cent. of the amount of stock every six months as they may think proper. to be paid at such time and place as they may designate, by giving sixty days' notice in some weekly newspaper printed nearest the place where the greatest portion of stock is held, or by written notice to the stockholders. In all such notices the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within fitteen days after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due in any court having competent jurisdiction, and recover the amount with interest thereon at the rate of twenty-five per cent. ner annum for the detention thereof, and if the amount cannot be made by execution, or if such delinquent is out of the State, then the corporation may by an order on their books, declare such stock foreited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent after the forfeiture of his stock shall have the right to vote for directors, or receive any dividends on his, or her, or their stock, until the corporation is fully paid or satisfied.

SEC. 12. The corporation may require of all persons and officers in their employ, bonds with security to their acceptance with such penalty as they may deem proper for the faithful performance of

their respective duties.

Sec. 13. The corporation by their agents shall have power from time to time to examine, mark, and locate a route for a railroad and to construct the same either with a single or a double track as they may deem advisable, commencing at Fort Wayne, in Allen county, thence south via Bluffton, Montpelier, [and] Hartford, to Muncietown, crossing the Mississenaway at or near Carter's mills, thence south to a terminus as a majority of the corporation may determine for the best interests of the public, with full power at all time to diverge from a direct line between the above named points where more favorable ground can be found for the construction of said road.

Sec. 14. And for the purpose of making such examination and location it shall be lawful for the corporation by their agents, and persons in their employ, to enter upon any lands to make surveys and estimates, and for the purposes of searching for stone, gravel, wood, or other materials necessary for the construction of said road, but no stone, gravel, or other materials, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation either before or

after the location of any section of the road, to obtain from the persons through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction and location of said road, as also the stone, gravel and timber, and other materials that may be obtained on said route, and may contract for stone, gravel and timber, and other materials that may be obtained from any other lands near thereto; and it shall be lawful for said corporation to receive by donation gifts. grants or bequests, land, money, labor, property, stone, gravel wood, or other materials for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, or other bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of said location and for the benefit of said corporation, shall be binding and obligatory; and the corporation may have their action at law, in any court having competent jurisdiction to compel the observance of the same; Provided, That all such contracts, relinquishments, donations, gifts, grants and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

Sec. 16. That in all cases where any person through whose land the road may run shall relinquish the same, or where a contract cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty exists, that such facts do exist, and such justice shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall cause to be summoned twelve disinterested persons of the neighborhood, who shall be freeholdes, who shall after taking an oath faithfully and impartially to assess the damages, if any, and view the land; and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, and shall report thereon. whether such person is entitled to damages or not, and if so, how much; and they shall file their report with such justice; whereupon such justice shall enter judgment thereon, unless for good cause shown; and in case either party can show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, with or without costs; Provided, that either party may at any stage of the proceedings appeal to the circuit court of the proper county as in other cases, and such court shall appoint viewers as above directed, who may report at that or any succeeding term in the discretion of the court, or said case may be tried by a regular jury as other cases are tried in said court, at the option of either party, and the judgment of the circuit court shall be final.

Sec. 17. And in all cases where the owner or owners of such land or materials shall be minors or insane persons, or reside out of the county where such lands may be situated, such justice shall give thirty days' notice of the application made and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall appear on the

day named in said notice, the said justice shall adjourn the same until that day two weeks, or as soon thereafter as may be, at which time he shall proceed as though such person or persons had been duly notified to attend; and on such judgment being rendered and the corporation complying therewith, the payment of costs and damages awarded against them, the corporation shall be seized of the lands or materials; and in all such cases the corporation shall be liable for all costs that may accrue thereon: Provided, That if the owner of the land shall not have had actual notice of the time and place of such trial before said justice, he shall have the right in a reasonable time, after receiving actual notice of such judgment by said justice of the peace, not exceeding two months, to appeal to the circuit court of the proper county.

SEC. 18. That should it be found advantageous or necessary to the construction of said road, the corporation shall have the power to lay the same along or upon any county or State road; Provided, however, That before such location is made, the corporation shall make application to the county commissioners of the proper county for such right; and said commissioners are hereby granted full power to authorize the same by an order [entered] on their record; And provided also, That such right shall be granted on condition that the corporation shall relocate said road on equally as good ground, and cause it or them to be made equally convenient in every respect for travel, as said road or roads were previous to

re-location.

Sec. 19. That when said corporation shall have procured the right of way, as hereinbefore provided, they shall be seized in fee simple of the right to such land, and have the sole use and occupancy of the same, but not to interfere with the right of way of any railroad company heretofore incorporated; and no person, body politic or corporation, shall in any way interfere with, molest, disturb, or injure any of the rights or privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

Sec. 20. The corporation shall commence the construction of said road at any time within ten years, and from time to time construct so much in all or either of the counties through which said road shall pass, toward the point of termination, as may be within the ability or to the interest of the company, and shall complete the same within twenty years from the commencement; Provided, That for good cause shown for its non-completion, within the time, the legislature may grant further time for the purpose.

Sec. 21. It shall be the duty of the corporation whenever any State or county road now established shall cross the railroad, to make and keep in repair good and sufficient causeways, so that the free use of said State or county road shall not be obstructed; and in all cases where any person shall own lands on both sides of said railroad, and there shall not be a causeway for a public road leading from one tract to the other, the owner of such land shall have

the right of way, free from any charge to cross the same and to make such causeways as may be necessary for the convenience of such owner; Provided, Such owner of land shall not injure or obstruct said railroad.

Sec. 22. It shall be lawful for said corporation to place on or prescribe the kind of carriages that may be used on said road. whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares and merchandize, or any other kind of property, and for this purpose the corporation may construct said road with such turns, gates, bridges. culverts, toll and warehouses, as may be for the interest of the company, and the convenience of the public; and the corporation may charge such tolls and frieghts on such part of the road as may be in a sufficient state of travel, although the whole is not finished: and they may charge for travel and transportation on the same when it is graded and bridged, although the rails may not be so far laid as to admit carriages thereon.

SEC. 23. The corporation may charge and receive such tolls and freight for the transportation of persons, commodities, and carriages, on said road, or any part thereof, as shall be for the interest. of the company, and the same to change or raise at pleasure; Provided. The rates established from time to time shall be posted on

some conspicuous place or places on said road.

Sec. 24. That when the aggregate amount of dividends declared shall amount to the full sum of the capital stock invested and six per centum per annum interest thereon; the legislature may so regulate the tolls and freight, that not more than fifteen per centum per annum on the capital stock shall be divided, and the surplus profits, if any, after paying the expenses and reserving such proportion as may be necessary for future contingencies. may be paid over to the Treasurer of State for the use of common schools; but the corporation shall not be by any law compelled to reduce the tolls and freight, so that a dividend of fifteen per centum cannot be made; and it shall be the duty of the corporation to furnish the legislature at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits after deducting all expenditures, which statement shall be made under the oath of the officer whose duty it shall be to make the same.

Sec. 25. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Monday in March and September annually, (unless the directors fix on a different day) and paid to the several stockholders as soon thereafter as can with convenience be done; but no dividend shall be made to a greater amount than the net profits after deducting expenses; and the corporation may reserve such proportion of the profits, as a contingent fund to meet subsequent expenditures, as

they shall deem proper.

Sec. 26. That if any person or persons shall willfully and knowingly injure or obstruct said road, or any part thereof, or break, des-

stroy, or deface any work, edifice, device, toll, or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation three times the amount of damages so actually done. with costs of suit, to be recovered by the corporation before any court having competent jurisdiction; Provided, That all actions commenced by the corporation for the recovery of damages, shall commence within six months from the time such action accrued and not after.

Sec. 27. It shall be the duty of the corporation to cause a full statement of the officers of the corporation to be made and exhibited to the stockholders at every annual election, or at any other

general meeting of the stockholders.

Sec. 28. Any number of the stockholders holding one third of the stock, may call a general meeting of the stockholders by giving three weeks' notice in one or more newspapers, specifying in such notice the object of the call, and a majority of all the stockholders being represented, they may make such orders relative to the concerns of the company, as a majority may determine.

Sec. 29. The corporation may by contract admit the intersection with said road of any other railroad, turnpike, or other road, or any

collateral road.

Sec. 30. Should the capital herein granted not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting reduce the

number of directors to any number not less than four.

le members thereof shall

Sec. 31. When the road is located it shall be the duty of the corporation, to cause a plat of the same to be desposited in the office of the Secretary of State; and from and after that time it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays to the owner or owners of land on such changed route, the amount of damages they may sustain by such relocation.

Sec. 32. That this charter is limited to seventy-five years in its duration, and the legislature reserves to itself the power to alter, amend, or repeal this charter, at any time its provisions may be vi-

olated.

Sec. 33 This act to be in force from and after its publication.

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#### CHAPTER CCXXXII.

An Act supplementary to "An act to incorporate the Grand and Subordinate Divisions of the Order of the Sons of Temperance, of the State of Indiana," approved January 21, 1847.

#### [APPROVED JANUARY 13, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all subordinate Divisions of the Order of the Sons of Temperance, of the State of Indiana, that may have been or hereafter shall be instituted, be and they are hereby constituted bodies corporate and politic by the name and description of — Division, No. -, Sons of Temperance, of the State of Indiana, and by that name shall have perpetual succession, with power to spe and be sued, plead and be impleaded, in any court of law or equity. of competent jurisdiction, in this State. They shall also have power to make all necessary and needful contracts, and enforce the same, to make, establish, and alter at pleasure, a common seal. Provided, That before any such Division shall become incorporated under the provisions of this act, such Division shall so determine by a vote thereof at a regular meeting; which vote and determination shall be certified under the hand of the W. P. of such Division. attested by the R. S. thereof, to the clerk of the circuit court of the county in which such Division is situated, to be by him recorded in the order book of said circuit court.

SEC. 2. Should any subordinate Division in this State fail to elect, at its first meeting in October, five trustees, as provided for in the fifth section of the act to which this is an amendment, such Division may elect the same at any regular meeting thereof; and such trustees, when so elected, shall have full power to fill any vacancy in their number, and shall hold their office until their successors are

chosen by the Division.

SEC. 3. That in case of the dissolution of any such Division, from any cause, a majority of the members thereof shall have power to appoint three members of such Division trustees, whose duty it shall be, under the direction of said majority, to dispose of and distribute the property, money, and effects, of such Division: Provided, That all such distributions shall be equal among all who were members of that Division at its dissolution; and in case said Division shall fail or neglect to appoint said three trustees, the acting W. P., R. S., and T., shall act as such trustees, and make the disposition and distribution of said Division's assets, as herein provided for.

Sec. 4. This act shall take effect and be in force from and after its passage.

#### CHAPTER CCXXXIII.

An Act for the relief of Rachel Loyd, of Floyd county.

#### [APPROVED JANUARY 13, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That if Stewart Loyd shall fail to plead, answer, or demur, to the petition for a divorce, filed against him by Rachel Loyd, and now pending in the Floyd circuit court, on the calling of said cause, that such default shall have the same effect as a default in other suits in chancery, and the matters and things contained in said petition shall be taken as confessed, and a decree rendered accordingly.

Sec. 2. No answer shall be filed to said petition, unless such

answer shall be sworn to by said Stewart Loyd.

SEC. 3. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a duly certified copy of the same to the clerk of the Floyd circuit court.

### CHAPTER CCXXXIV.

An Act to amend an act entitled "An act for the relief of Victor A. Pepin, of Floyd county," approved December 30, 1846.

#### (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the words "Spring Street," in an act entitled "an act for the relief of Victor A. Pepin, of Floyd county," approved December 30, 1846, are hereby declared to mean Elm street, and that the words "Spring street" were used in said act by mistake.

SEC. 2. All acts done and performed by the Trustees of congressional township number two in range six east, in said Floyd county, in conveying lot number nine, on Upper Elm street in the city of New Albany, to Victor A. Pepin, are hereby legalized, and said conveyance by said congressional township to said Victor A. Pepin is hereby declared to be valid and effectual to pass all the

estate and title of the township in said lot number nine to said Pepin in fee simple.

Sec. 3. This act is hereby declared to be a public act, and to be

in force from and after its passage.

#### CHAPTER CCXXXV.

An Act to legalize certain proceedings of the Dearborn circuit court.

#### (APPROVED JANUARY 12, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the orders, proceedings, judgment, and decree, of the Dearborn circuit court, made at the January special term thereof, A. D. 1849, in the case of Robert Rossington vs. Elizabeth Rossington, bill for divorce, be and the same are hereby declared good, valid, and effectual, and the same are in all things hereby ratified and confirmed.

SEC. 2. This act to be in force from and after its passage.

#### CHAPTER CCXXXVI.

An Act to amend an act entitled "An act to provide for the construction of a railway in Laporte county," approved February 11, 1843.

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the provise to the fifth section, and the whole of the sixth section, of the act entitled "an act to provide for the construction of a railway in Laporte county," approved February 11, 1843, are hereby repealed.

Sec. 2. Whenever the eastern end of the Buffalo and Mississippi Railroad shall be constructed to the town of Laporte, this company shall be merged in the same, and the stockholders then shall be stockholders in the said Buffalo and Mississippi Railroad company, and shall be entitled to and receive dividends according

to the stock owned by them, clear of all incumbrances created by said Buffalo and Mississippi Railroad company, prior to such union.

SEC. 3. The directors of said company who vote for and create a debt exceeding the amount of solvent stock at the time, shall be liable in their individual capacity therefor; and the Legislature hereby reserves the right to repeal or amend this charter whenever its provisions are violated.

Sec. 4. C. B. Blair, of Michigan City, John B. Niles, and A. P. Andrews, Jr., or any two of them, are hereby appointed commissioners to open books for subscriptions to the capital stock of said

company.

Sec. 5. This act, and the act to which it is an amendment, shall be a public act, [public acts,] and this shall be in force from and after its passage.

## CHAPTER CCXXXVII. OF ENT

son shall also have power to employ a physician to attend the pau-

An Act to repeal an act therein named, relating to St. Joseph county.

#### (APPROVED JANUARY 12, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That an act levying a road tax in the township of Union, in St. Joseph county, Indiana, approved 11th February, 1848, be and the same is hereby repealed, and the laws heretofore in force and repealed by the act aforesaid, are hereby revived and declared in full force.

SEC. 2. This act shall take effect and be in force from and after its passage.

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# CHAPTER CCXXXVIII.

An Act to provide for the appointment of Overseers of the Poor in Gibson county.

#### [APPROVED JANUARY 12, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter it shall be lawful for the board of commissioners of Gibson county to appoint an overseer of the poor in any township in said county where there shall be no justice elected and qualified in such township, which overseer so appointed shall hold his office for one year, and be governed in all respects by the 19th chapter of the Revised Code of 1843: Provided, however, That whenever a justice of the peace shall be elected and qualified in such township, the office of overseer of the poor shall cease and determine, and the duties be performed by said justice or justices as now prescribed by law.

Sec. 2. The said county commissioners of the county of Gibson shall also have power to employ a physician to attend the paupers in the county asylum, or otherwise to benefit the poor as the said board in their discretion may deem proper and necessary.

SEC. 3. This act to be in force from and after its passage.

## St. lose ph county. XIXXXOO RAPPAN CHARRY 1848, be before in force and the same is hereby repealed, and the law horototics, in force and

Spirmon 1. Be il enacted by the Gioveral Assenthy of the State of In-

An Act to amend an act in relation to the New Albany and Vincennes Road.

## [APPROVED JANUARY 13, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the superintendent upon said road shall annually hereafter expend the sum of three thousand dollars in keeping up and repairing said road, and no more.

Sec. 2. That the sum of five hundred dollars arising from the tolls upon said road is hereby appropriated for the year 1850, for the purpose of erecting two bridges at what is called the second and third crossings of Lost river, and the citizens of Orange, or of any other county in the State of Indiana, shall have the right to subscribe for the building of said bridges as hereafter provided, and also the further sum of two hundred dollars shall be appropriated for the year 1849, west of Paoli, and expended by the superinten-

dent in repairing said road and keeping free ferries where they are now kept on said road.

Sec. 3. And the tolls upon said road shall remain the same as provided in the act to which this is an amendment, except that two horse wagons from the first of May to the first of November shall pay fifteen cents toll for every ten miles travelled, and except persons going to and from meeting on Sunday, and persons going to and from elections and funerals, shall pass over said road toll free.

Sec. 4. The residue of said tolls upon said road shall be applied by said superintendent in paying the indebtedness of said road created by the certificates issued by R. A. Clements, Esq., former superintendent. Provided, Nothing in this act shall in any way affect the priority of payment now provided by law for a certain note and interest in the New Albany Branch Bank, signed or endorsed by Henry Turner, and others, as the payments on said note become due: And provided further, That all payments to certificate holders shall be in the redemption of said certificates: And provided also, That such payments to the holders of certificates be made annually on the first Monday in May, in each year, at the town of Paoli, in the county of Orange: And provided further, That all persons holding certificates shall, on or before the first day of April in each year, notify the superintendent of the amount and date of said certificates so intended to be presented for payment on the day day aforesaid, and that in making payments to the certificate holders, the said superintendent shall pay each person, body politic or corporate, an equal and just proportion according to the amount presented on or before the said first day of April in each year.

Sec. 5. That the persons liable to work roads in the counties of Orange and Martin shall be compelled to work upon said road as upon other roads in the several road districts through which said road runs, and the law which requires hands to work on Lost river in Orange county is hereby repealed, and the hands heretofore bound by law to work on said river, who reside in their [within] said road districts shall perform labor upon the New Albany and

Vincennes Road as other hands in said district.

Sec. 6. That the citizens of Martin and Orange counties, and the citizens of any other county in the State of Indiana, shall have the right and privilege of erecting the bridges mentioned in the second section of this act, by subscription or otherwise, and the same when erected shall be toll bridges until those subscribing are fully paid the amount of their subscriptions and ten per cent. interest per annum thereon, either from the tolls of the bridges or the tolls of the road east of Paoli, as provided in the second section of this act; and for the purpose of raising funds by subscription for the erection of said bridges and superintending the erection thereof, the said superintendent, together with Thomas J. Brooks, Aaron Houghten, Martin D. Crim, and John P. Davis, of the county of Martin, and James P. Campbell, James Robinson, Arthur J. Simpson, and John Baker, of the county of Orange, are hereby appoint-

ed commissioners, whose duty it shall be to solicit subscriptions. superintend the erection of said bridges, specify the items of toll. provided such tolls shall not exceed fifteen cents for a four horse wagon at each bridge, and all other vehicles, travellers, and passengers in proportion, and to employ persons to collect the tolls. and to do and perform every other duty necessary to carry into effect this act, and as soon as the tolls upon said bridges shall repay the construction and repairs, and other expenses of said bridges they shall be toll free.

Sec. 7. That the keeper of gate number one, near New Albany and the keeper of gate number two, near Greenville, on the New Albany and Vincennes Road, shall each receive in addition, to the amount they now receive, the sum of fifty dollars per annum for their services, to be paid in the same manner as is now provided by law for [their] payment at this time.

SEC. 8. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk of the Orange circuit court forthe use of the superintendent of said road. persons holding certificates shall, on or before the first day of April

on met year, nouty the superintendent of the amount and date of

said certificates so intended to be presented for payment on the day

lay aforesaid, and that in making payments to the cornhects hold-

## corporate, an equal and just proportion according to the amount resented on or before LIXOO RATTAND April in each year.

An Act to amend an act, entitled "An act to incorporate the Madison and Napoleon Turn-Lusa doutw agnordi alomie pike Company." De odi ni abnorandio mogn road rans, and the law which removes hands to work on Lost river

## orologanan shound [APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the last sentence of the third section of an act, entitled "An act to incorporate the Madison and Napoleon Turnpike Company," be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage, and all laws and parts of laws contravening the provisions of this act, are, so far as they conflict with the same, reover summy discrease wither from the tolls of the bridges on the folia

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#### the Order of the United American-Mechanics, by assuming a nam ber have all the powers, capacities, and seclleges hereby granted CHAPTER CCXLI.

An Act to incorporate the Indiana Council No. 1, of the Order of United American Mein box-vire, hor like to heavy chanics. Talk polintons is line to smit

## [APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That T. H. Kinder, Solomon Yewell, James Bingham, Thornton F. How, Josiah Hartley, Isaac Stephens, John McIntosh, W. F. Atkinson, C. W. Mayo, William McKinney, O. B. Ayres, Samuel Davidson, John Lund, George W. Stevens, Nathaniel Burgess, Ed. win S. Meek, Joseph C. Steele, Thomas Kelly, Philip Orrill, Charles Richardson, and Daniel Cross, and their associates and regular successors, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of "The Indiana Council No. 1, of the Order of American Mechanics," for the purpose of assisting each other in obtaining employment, to encourage each other in business, to establish a sick and funeral fund, to establish an asylum for the relief of widows and orphans of deceased members, and to aid members who, through Providence, may become incapacitated from following their usual occupations; and by the name aforesaid may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of competent jurisdiction, and may have a common seal, and the same to alter, break, or renew at pleasure.

Sec. 2. That said Council No. 1, shall be capable of acquiring and holding property, real, personal, or mixed, by purchase, grant, gift, or devise, and the same to sell, convey, or improve, rent, or lease, at pleasure: Provided, The property so acquired shall not at any one time exceed in value one hundred thousand dollars.

Sec. 3. That said Council No. 1, shall have power to appoint such officers as they may deem necessary, to prescribe their general duties, and to require such security of them as they may deem proper, to insure the faithful performance of their duties, and may remove them at pleasure; to make, ordain, and put in execution such by-laws, rules, and regulations as shall be necessary for the proper and efficient management of its affairs, not incompatible with the constitution and laws of the State of Indiana.

Sec. 4. That all property that may accrue to said Council under the provisions of this act, shall be vested in five trustees, who shall be elected by ballot by a majority of the members present at their first meeting in May of each year, and shall be held by them and their successors in trust for the use and exclusive benefit of said. Council.

Sec. 5. That said Council shall have power to establish other Councils in the State, who shall have all the powers of Council No. 1, and shall, by the name of the Indiana Council No. —, of the Order of the United American Mechanics, by assuming a number, have all the powers, capacities, and privileges hereby granted to Council No. 1.

Sec. 6. That upon the dissolution, from any cause, of any Council hereby authorized to be organized, the property held by it at the time of said dissolution shall be disposed of, sold, and conveyed in such manner as a majority of the members present at any meeting. when said dissolution shall have been determined upon, may direct.

SEC. 7. This act shall take effect and be in force from and after its passage.

Avidance, John Lucy Cleane W. Strein, Asthonic Insperse La Se World, Joseph & Son A. W. Hard M. Philip Chaill, Ch. Mehardsen, and Pracini Crass and shoir in Springers and regular

### CHAPTER CCXLII.

An act for the benefit of the Ohio and Indianapolis Railroad Company, and changing the name and style of said company.

#### [APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name and style of the Ohio and Indianapolis Railroad Company, be and the same is hereby changed, and said company shall hereafter be known by the name and style of the Jeffersonville Railroad Company, and by said new name shall have and possess all the rights, privileges, and franchises granted, and be subject to all the liabilities imposed by an act to incorporate the Ohio and Indianapolis Railroad Company, approved January 20. 1846, as such rights, privileges, franchises, and liabilities would have existed had the name and style of said company not been changed.

Sec. 2. Said Jeffersonville Railroad Company shall have the right to adopt and fix such name as the board of directors may deem suitable for any branch of their railroad which may be constructed; and to have and use either a common or separate seal for any such branch road, and to alter and change the same at pleasure.

Sec. 3. It shall be lawful for said railroad company to take, hold, sell, and convey any and all lands and tenements which may be conveyed or granted or released to said company for the purpose of constructing and keeping in repair the work authorized by the act incorporating the Ohio and Indianapolis Railroad Company, referred to in the first section of this act: Provided, Such company shall within ten years from such grant or conveyance, sell or dispose of all such lands as may be so granted, conveyed, or released; except so much as may be embraced in the width of the road allowed by charter and for depot grounds and water stations for said road, and an additional amount not exceeding three thousand acres which said company may retain and possess for the purpose of supplying timber and stone for the construction and use of said road.

Sec. 4. All sales, mortgages, and conveyances for lands and tenements which now are or may hereafter be held by said company may be made under an order of the board of directors, the mortgage deed of conveyance to be signed by the president of the board, attested by the secretary, with the seal of said corporation thereto affixed which shall be admitted to record without further

acknowledgement.

Sec. 5. For the purpose of constructing said road with all desirable appendages, and for putting and keeping the same in repair and for doing all proper business thereon, said company are hereby authorized to enter upon, take, and hold in fee simple all real estate and materials necessary for that purpose, doing no unnecessary damage, and when such real estate or materials cannot be had by donation or fair purchase, the owner may file his claim for damages in the office of the secretary of the company, and select an arbitrator, whereupon the company shall select another, and these two a third, who shall be disinterested men, and within a reasonable time, having been sworn, they shall proceed to examine the case and make out and file their award in the premises with said secretary, from which award either party may appeal to the circuit court of the county where the secretary keeps his office; which appeal shall be in all things, regulated and tried as appeals are from the judgment of a justice of the peace in this State; said secretary being regarded as such justice in this behalf, and whenever [any] real estate is so taken or is damaged, the arbitrators, court, or jury trying the case shall estimate any and all advantages said road may be to the other real estate of the claimant adjacent or contiguous to that taken, deduct such advantages from the damage done, and find for the claimant the balance only, if any there be, if there be none the claimant shall pay all costs, if damage be recovered the company shall pay the cost, and that all claims for damages shall cease unless applied for in two years next after the property shall have been taken possession of by said company.

Sec. 5. This act to take effect and be in force from and after its

passage.

the office of the company, on the first Monday in May, in each suc-

## CHAPTER CCXLIII.

An act concerning the Lafayette and Indianapolis Railroad Company.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the Lafayette and Indianapolis Railroad Company to borrow money either within this State or out of it, from any person or persons, or body corporate, at such rate of interest, either at, above, or below six per centum per annum as may be agreed upon, and to pledge such security for the redemption of such loan as the creditor and said company may contract for. They may issue bonds or other obligations for the purpose of raising money or procuring materials, and may sell or dispose of the same upon such terms as may be agreed upon.

Sec. 2. And whereas, said company is now in active operation and in the execution of the purpose for which it was created, Be it further enacted, that any omission or defect in the proceedings of the commissioners or of the said company in the organization, shall not effect or prejudice the corporate rights of said company, but the said company is hereby declared a corporation in fact and in right, and the organization of the same previous to the election and qualification of the first board of directors is hereby legalized together with the subsequent acts of the board of directors.

Sec. 3. Upon all questions where a vote of the stockholders is to be taken, they may vote in person or by proxy, in the same manner and under the same limitations as in the act or acts under which said company was organized is provided for the election of directors, such voting to be had upon notice to be given by the board of directors, and under such regulations as said board may appoint.

Sec. 4. Wherever in this or in any former act of the General Assembly in relation to said Railroad Company, any act or thing is directed or authorized to be done by the company, it shall be intended to mean the board of said company, who are its proper representative unless it contain a clear limitation to the contrary.

Sec. 5. The said company is hereby authorized to give acquit tances to subscribers to their capital stock and to issue certificates of stock to such subscribers or their transferees, upon the payment in gross or in advance of such sum of money less than the par value of such stock in lieu of the payment of the regular instalments, as the board of directors may from time to time fix and establish.

Sec. 6. This act to take effect and be in force so soon as it is accepted by the board of directors of said company and an order to that effect is entered on their minutes.

# continue in office until VILXOO RATAPO lay, of the ensuing rear, and until their successors and the circles, of which elections

An act to incorporate the Indiana Fire and Marine Insurance Company.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That William H. Morrison, Benjamin I. Blythe, Oliver H. Smith, Timothy R. Fletcher, and Royal Mayhew, of Indianapolis, in the State of Indiana, together with those who shall hereafter become stockholders as hereinafter directed, shall be and they are hereby created and made a corporation and body politic, by the name and style of "the President and Directors of the Indiana Fire and Marine Insurance Company," and shall continue in office for the term of one year, and until their successors are elected and qualified, and by that name are hereby made capable and able in law, to have, to purchase, receive, possess, enjoy, and retain to themselves and their successors, lands, tenements, rents, hereditaments, goods, chattels, and effects, to any amount, not exceeding in the whole three hundred thousand dollars, and the same to sell, grant, demise, alien, and dispose of; and also to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, in this State or elsewhere; also to make, have, and use a common seal, and [also] the same to break, alter, or renew at pleasure; also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall be deemed necessary and convenient for the government of said corporation, which may not be contrary to law, and generally to do and execute all and singular the acts, matters, and things that a corporation may rightfully do in the premises.

SEC. 2. That the persons named in the first section, or a majority of them shall open books of subscription for the stock in said company, which stock shall consist of six thousand shares of fifty dollars each, payable in gold or silver coin; and at the time of subscribing they shall have a right to demand and receive on each share the sum of two dollars and fifty cents, and to have secured the residue to the satisfaction of the corporation, payable, at any time within six months, in gold or silver; and on failure of the stockholders to pay the shares within six months, it shall be lawful for the president and directors to sell such delinquent shares, and transfer the same to the purchaser, or declare them forfeited to the company, together with all previous payments thereon; no transfer of stock shall be deemed valid and complete so long as the person transferring the same shall be indebted to the said company.

Sec. 3. That the shareholders shall meet at the place of opening books for the subscription of stock in said company, on the first Monday in May, one thousand eight hundred and forty-nine, and at

case of any loss or losses, whereby the capital stock of the corpora-

the office of the company, on the first Monday in May, in each succeeding year, and elect a president and four directors, who shall continue in office until the first Monday in May, of the ensuing year, and until their successors shall be elected, of which elections previous notice shall be given in some newspaper published in Indianapolis, having a general circulation, at least two weeks; and in case of the death, resignation, or removal from the city, of the president, the directors may elect some person to fill such vacancy for the residue of the year; and no person shall be chosen a director who does not own ten shares of the stock.

Sec. 4. That in all elections by the shareholders, each share, to the number of ten shall be entitled to one vote, and every five shares thereafter owned by the same person, shall entitle him to one additional vote; but no person that is not a resident of the State of Indiana, shall have a vote, and no shareholder shall have a vote at any election, after the first election herein provided for, for president and directors, unless he shall have been the owner of the stock three months prior to such election, by a regular transfer on the books of the company, and shares may be voted on by the executor

or administrator of the deceased owner, or by proxy.

Sec. 5. That the president and directors, for the time being, shall have power to appoint such officers and agents under them, and at such places as shall be necessary for executing the business of said company, and to allow such compensation as may be agreed upon, and to require and take bond and security for the faithful discharge of their respective duties and trusts; and the said president and directors shall have power to make by-laws and ordinances to govern the corporation, not inconsistent with the laws of the State and may repeal, alter, and amend them; and the president and two directors shall constitute a quorum for the transaction of business, or three directors without the president, one of whom shall be chosen president for the time being.

Sec. 6. That the president and directors for the time being, shall have power and authority, in the name of the company, to make insurance at such rate of premium as may be agreed upon by the parties, upon buildings, furniture, machinery, goods, wares, and merchandize of every description, against fire in town or country; and also to make all kinds of insurance on every description of property or bank notes transported by land or water, within the United States; and to make all kinds of contracts where the casualities of property are involved; and every such contract, bargain, agreement, or policy to be made by the said corporation, shall be inwriting or print, and shall be signed by the president and attested and signed by the secretary or clerk who may be appointed by the president and directors for that purpose.

SEC. 7. It shall be the duty of the president and directors on the first Monday of May and November, in each and every year, to make a dividend of so much of the profits of the said corporation, as to them, or a majority of them, shall appear desirable; and in case of any loss or losses, whereby the capital stock of the corpora-

tion shall be impaired or lessened, no subsequent dividend shall be made, until a sum equal to such diminution, and arising from the profits of said corporation shall have been added to the capital.

Sec. 8. That said corporation shall not commence business or grant any policies of insurance, until one thousand shares are subscribed and paid for in gold or silver, and said sum of fifty thousand dollars deposited in the treasury of the corporation. The capital of said company may, at the discretion of the president and directors, be loaned on promissory notes at legal interest, and at no greater rate, without a forfeiture of the whole debt; Provided, however, that no loan shall be made to any of the stockholders of said corporation, either directly or indirectly, nor shall any stockholder of said corporation become an endorser on any obligation or evidence of debt due to said corporation, and provided also, that it shall not be lawful for said corporation, to issue or emit any bill of credit, or any bills payable to order or bearer, as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking.

Sec. 9. That whenever said corporation shall be notified of any loss sustained or incurred on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost, or incurred on such policy within sixty days after being so notified; *Provided*, there shall have been no violation

of the condition of the policy on the part of the insured.

Sec. 10. The secretary of said company under the direction of the president and directors of said company, shall make out a report of the affairs of the company, showing the amount of stock subscribed, the amount of money paid into the treasury of said company, the amount of money in the treasury of the company its kind and current value; the amount of money loaned and to whom; the amount of property insured, &c.; which report shall be verified by the oath of the officer making the same, which report shall be made annually and filed in the office of the secretary of State, on the first day of January in each year, and published in some newspaper of general circulation, published at the city of Indianapolis. If said company fail to forward and file, in the Secretary of State's office, the statement aforesaid at the time required, and publish the same as aforesaid, said company shall forfeit and pay to the State of Indiana, the sum of one thousand dollars, to be recovered in any court having jurisdiction by action of debt, in the name of said State, which action the Secretary of State is hereby required to institute and prosecute.

Sec. 11. The legislature reserves the right to alter, amend, or

repeal this act of incorporation, at any time.

Sec. 12. The stockholders of said company shall be liable in their individual capacity, for the payment of the debts and liabilities of such corporation for an amount equal to the amount of stock they severally have subscribed.

Sec. 13. This act to be in force from and after its passage, and no agency for said corporation shall be located in the counties of Hancock and Madison.

## CHAPTER CCXLV.

An act to amend Section 38 of Chapter 19 of the Revised Statutes of 1843, and for other purposes, so far as they relate to the county of Lawrence.

## (APPROVED JANUARY 12, 1849.)

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That so much of section 38, of chapter 19, of the Revised Statutes of 1843, as requires the superintendents of poor Asylums in the several counties in this State to make reports to the boards of commissioners at their May and November terms annually be, and the same is hereby repealed, so far as the county of Lawrence is concerned; and that the report required of such superintendent shall be made to the board of commissioners of said county of Lawrence at the March term thereof, annually hereafter, and at any other term of said court when the commissioners shall require it.

Sec. 2. The board of commissioners of said county are hereby authorized at their March terms, annually, to appoint a competent physician to attend and render medical service to the paupers at the poor asylum; and such physician shall receive such compensation as the board of commissioners shall deem just and reasonable.

SEC. 3. This act to take effect and be in force-from and after its passage; and it is hereby made the duty of the Secretary of State to make out and transmit a certified copy of this act to the clerk of the circuit court of said county.

## CHAPTER CCXLVI.

An Act to change the name of John F. Brown to that of John Floyd.

(APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of John F. Brown, a minor child of Thomas Brown, be, and the same is hereby, changed to that of John

Floyd, and that all acquisitions of property, [either real personal, or mixed, heretofore made, or which may hereafter be made by gift. devise, or by the laws of this State regulating decents, distribution, and dower, or in any other legal mode to said minor, shall be as valid and enure to the benefit of said minor, and in the same manner as if this act had not been passed.

Sec. 2. This act shall take effect and be in force from and after

its passage.

## CHAPTER CCXLVII.

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An Act amendatory of an act incorporating the Junction Railroad Company.

(APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the act, entitled "An act to incorporate the Junction Railroad Company," passed at the thirty-second session of this General Assembly be, and the same is hereby, amended as follows, towit: Upon the meeting of the board of directors, as contemplated in the eleventh section of said act, they may, should they deem it expedient and so officially resolve, organize with a view to the construction, in the first instance, of any portion of said road, not less than one-fourth of the whole length of the line contemplated by said act; and thereupon, so soon as an amount of stock, equal to at least two thousand dollars for each mile of road so resolved upon, shall have been subscribed, it shall be lawful to proceed and hold the first election for directors, and then progress as provided by said act; in that event, however, it shall not be lawful to proceed to the construction of any portion of the residue of said line, unless a like amount of two thousand dollars for each additional mile of road, proposed to be constructed, shall have been subscribed over and above a sufficiency of available stock to complete the length of line previously resolved upon.

SEC. 2. This act shall be in force from and after its passage.

#### CHAPTER CCXLVIII.

An Act for the relief of Robert Kennedy and Andrew Hartman.

#### (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the board of county commissioners of the county of St. Joseph be, and they are hereby authorized to pay out of the funds in the treasury of said county to Robert Kennedy and Adam Hartman the amount of damages sustained by them by an accident they met with by the breaking down of the bridges across the St. Joseph River at South Bend and Mishawaka.

Sec. 2. This act shall be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forward to the auditor of St. Joseph county, in this State, a certified copy of this act.

## CHAPTER CCXLIX.

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An Act authorizing the County Auditors of Laporte and St. Joseph to make deeds in certain cases.

## (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That when two or more persons shall be the owners of the interest of the original purchaser of any school land in Laporte or St. Joseph counties, for which but one certificate has been issued, it shall be lawful for the auditor of the proper county to make conveyance to the owner for his share of said land, on the payment by him of his proportion of the unpaid purchase money thereof, and the interest, if such auditor shall be satisfied that the same will not endanger the security of the remainder of the unpaid purchase money and interest; and such conveyance shall have the same force and effect as to that part conveyed as if the whole purchase money had been paid.

Sec. 2. This act shall be in force from and after its passage.

## CHAPTER CCL.

An Act to change the names of the towns of Columbia and Smithland, and for other purposes.

#### [APPROVED JANUARY 13, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter the towns of Columbia and Smithland in Gibson county, Indiana, shall be designated and known by the name of the town of Patoka.

Sec. 2. That said town of Patoka shall embrace in its boundaries the southwest quarter of section twenty-four, and the northwest quarter of section twenty-five, in township one, south of range eleven west; and the plat thereof made by William E. French, surveyor of said county, dated November, 1848, be, and the same is hereby ratified, approved, and confirmed.

Sec. 3. This act to take effect to be in force from and after its passage.

### CHAPTER CCLI.

ground to intersect the old State road leading from Madison to In

An Act to amend an act, entitled "An act to incorporate the town of Mooresville, in Morgan county," approved Feb. 12, 1841, so as to require venders of spirituous liquors to obtain a license of the Board of Trustees.

## (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That if any person shall sell any spirituous liquor within the corporate limits of said town of Mooresville, in Morgan county, by a less quantity than twenty gallons (except for medicinal, sacramental or scientific purposes) without a license to retail spirituous liquors from the president and trustees of said town, he, she, or they shall for every such offence, on conviction thereof before a justice of the peace, or on indictment in the proper circuit court, be fined in any sum not less than two nor more than ten dollars.

Sec. 2. It is hereby made the duty of the board of trustees of said town of Mooresville to publish, as they are required to publish, the ordinances for the government of said town, a transcript of the provisions of the first section of this act.

Sec. 3. This act, and the act to which it is amendatory, are hereby declared to be public acts.

Sec. 4. This act to be in force from and after its passage and publication in the Mooresville Chronicle; said publication to be made at the expense of the president and trustees of the said town of Mooresville.

#### CHAPTER CCLII.

An Act to locate a State road in Jefferson and Ripley counties

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas Alexander, Arnold Custer, and Thomas Wise, be and they are hereby appointed commissioners to view, mark, and locate a State road as follows: Beginning where the Jefferson and Ripley county line strikes the Wolf road, and running westwardly with said county line on the best and most favorable ground to intersect the old State road leading from Madison to Indianapolis, at or near Dupont, in Jefferson county.

Sec. 2. That said commissioners shall meet in Mudlick, in Jefferson county, on the second Monday in August, 1849, or at any time thereafter upon which they shall agree, and after taking an oath faithfully and impartially to discharge their duties as such commissioners, proceed to view, mark, and locate said road; and should either of said commissioners fail to attend at the time and place appointed, the other two shall proceed to lay out said road as if all the commissioners were present, having due regard to private property and the public good.

Sec. 3. Said commissioners shall, after completing the survey and location of said road, shall, within twenty days thereafter, file in the auditor's office of Jefferson county, a report of their proceedings and survey.

Sec. 4. It is hereby made the duty of the board of commissioners of said county of Jefferson to have said road opened in pursuance of the law regulating the opening of highways in such cases made and provided. This act to take effect and be in force from and after its passage.

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#### CHAPTER CCLIII.

An Act to amend the charter of the Indianapolis and Bellefontaine Railroad Company.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the president and directors of the Indianapolis and Bellefontaine railroad company, be and they are hereby authorized and empowered to sell so many of the bonds authorized to be issued under the charter, and to issue and sell so much of their stock, from time to time, as shall be necessary to enable said company to construct and stock the road; Provided, That no bond shall bear a greater interest on its face than six per centum per annum, nor shall any bond run longer than fifteen years, nor shall any bond or stock be sold, or be delivered in payment of debts by the company, for less than the rate of eighty dollars to the one hundred dollars on the face of the bond or stock, nor shall any bond or stock be sold or delivered on any credit whatever, and any contractor or creditor of the company may, at his election, receive in payment in lieu of cash, the bonds of the company, at the lowest cash price at which the same maybe sold at the time to others.

Sec. 2. It shall be lawful for other incorporated companies to subscribe, not exceeding fifty thousand dollars each, to the capital stock of this company, upon the same terms as individuals are authorized to subscribe.

Sec. 3. The company may dispense with the appraisers of lands provided [for] in the charter, and appoint one appraiser in lieu thereof, in each county in which lands subscribed may lie, as such subscriptions may require, and such appraisements with those heretofore made by special appraisers, shall have like force and effect as if made by the three appraisers under the charter.

Sec. 4. That the word "ten" be stricken out where it occurs in the 30th section of the original charter, and twenty-five inserted. [This act shall be declared a public act, and in force from and after its passage.]

The sentence enclosed in brackets appears in the engrossed bill, but was omitted in the enrollment.

#### CHAPTER CCLIV.

An Act to incorporate the Lawrenceburg and Aurora Bridge Company.

#### (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That George Tousey, William E. Craft, Levin B. Lewis

John Callahan, and William T. Fems, and their successors in office, be and they are hereby created and constituted a body politic and corporate by the name and style of the "Lawrenceburg and Aurora Bridge Company," with the power to sue and be sued, plead and be impleaded in any and all courts of competent jurisdiction.

SEC. 3. That six thousand dollars shall constitute the capital stock of said company, but the same may be increased at any time by the directors of said company to fifteen thousand dollars, which

shall be divided into shares of fifty dollars each.

Sec. 2. That it shall and may be lawful for said company to erect and construct a bridge of convenient size and strength for the passage of travelers, teams, and droves across Tanner's creek, in the county of Dearborn, on some suitable and convenient site at or near the place where the road leading from the city of Lawrence-burg along the bank of the Ohio river, to the town of Aurora, crosses said creek, and for that purpose is hereby authorized and empowered to purchase of the proprietors the land and materials neces-

sary and proper for the construction of said bridge.

Sec. 4. That in case said company shall not be able to agree with the owners of the land hereby authorized to be purchased. said company may petition the Dearborn circuit court for the anpointment of three disinterested freeholders of the said county of Dearborn, to assess and appraise the damages which may be sustained by the owners of the land on which said bridge may be erected by reason of the erection thereof, which petition must clearly designate and describe the land to be occupied by the bridge. and state that the company were unable to agree with the proprietors on the price of the land, on the filing of which it shall be the duty of the court to appoint such appraisers, and designate the time when they shall proceed to the discharge of their duties as such: of the filing and presentation of which petition said proprietors shall have at least ten days previous notice, which may be by personal service, or by leaving a copy at their residence or usual place of business.

Sec. 5. That it shall be the duty of said appraisers, on receiving a copy of their appointment duly certified by the clerk of said court, under the seal of the same, three days prior to the day appointed for their meeting by the court, under pain of being in contempt of said court, after having first made oath before some court, or person authorized to administer oaths, faithfully and impartially to discharge their duties as such, according to law, to proceed to the land described in the petition, and upon inspection thereof, and such testimony as may be produced by the parties, appraise and assess the damages which the proprietor or proprietors of said land will or may sustain by the erection of said bridge, taking into consideration all the advantages and disadvantages which will or may result to such proprietor or proprietors from the erection thereof, which said appraisement shall be reduced to writing, and the same shall be signed by the appraisers, and forthwith returned to the

clerk of said court, to be filed and recorded in the order book of said court.

Sec. 6. That should either party be dissatisfied with such appraisement, he, she or they may at any time within three days after the return thereof as aforesaid, demand a trial by jury, which may be by motion to the court, if in session, and if not, by filing such demand with the clerk; should the court be in session, the trial shall proceed at the same time, [term] and if not, at the next succeeding term, and the jury, in making its verdict in the premises, shall also take into consideration the advantages to said owners, as well as the disadvantages, and award them the difference only, it any difference there shall be found to be.

Sec. 7. That the party demanding such jury trial shall be regarded as the plaintiff in the cause, and should he fail to obtain a decision more favorable to himself than that made by the appraisers, the defendant shall have judgment for cost, which shall be final

and conclusive.

Sec. 8. That upon the final determination of said cause, either by such trial in the circuit court, or by the failure of either party to demand such trial within the time above specified, it shall be lawful for said company to pay or tender to said proprietor or proprietors, the sum or sums awarded to him or them respectively, and thereupon to proceed and erect said bridge on the land described in their said petition, and hold the same for the purpose contemplated in this act, so long as said corporation shall continue to exist.

Sec. 9. That it shall be the duty of the said Dearborn circuit court, at the next regular term thereof, to fix and establish the rate or tariff of tolls which it shall be lawful for said company to charge for passing said bridge, which shall be entered in the order book of said court, which shall never be diminished without the consent of the company.

Sec. 10. That so soon as the sum of two thousand dollars of the stock of said company shall be subscribed, it shall be deemed organized, and the stockholders thereof shall annually thereafter, on the first Monday of May, hold an election for the purpose of choosing five directors to manage the affairs of the company.

Sec. 11. That the stockholders shall, at such elections, be entitled to one vote for each share of stock held, which may be given by proxy or in person; but no person but a stockholder shall be

chosen as a director.

Sec. 12. That [a] majority of the directors shall constitute a quorum to do business, and shall have power to make such by-laws, rules, and regulations as may be necessary and proper for the safety of the bridge, for the collection of tolls; and for that purpose may impose penalties, not exceeding three dollars for violations of such by-laws, rules, and regulations, which may be received in the name and for the use of the company, in an action of debt before a justice of the peace, but the public shall have notice of the

imposition of such penalties by the same being printed in large let. ters on each end of the bridge.

Sec. 13. That all persons shall have the right to pass and re-

pass over said bridge on payment of the tolls prescribed.

SEC. 14. That no tolls shall be demanded by said company of persons passing over said bridges in funeral processions, or persons going to or returning from church on the sabbath.

SEC. 15. That the soldiers of the United States, and of this State, shall, while actually engaged in the public service, be permitted to pass and repass over and across said bridge gratis.

SEC. 16. That it shall and may be lawful for the commissioners of the county of Dearborn, for and on behalf of said county, to purchase said bridge of the company, on the happening of which said corporation shall cease to exist, but all its rights and privileges shall vest in said county of Dearborn.

Sec. 17. That said corporation shall possess and is hereby invested with full and ample powers to enable her to carry into effect the object contemplated by this act, which shall be taken and

deemed a public act, from and after its passage.

#### CHAPTER CCLV.

An Act to incorporate the Fort Wayne and Bluffton Turnpike Company.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Allen Hamilton, William G. Ewing, Pliny Hoagland, Peter P. Bailey, Joseph K. Edgerton, Asa Fairfield, and Samuel Edsall, of Allen county—William H. Parmelee, Levi Young, Joseph Logan, John Studabaker, and Adnah Hall, of Wells county, and their successors in office duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the Fort Wayne and Bluffton Turnpike Company, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said company shall be forty thou-

sand dollars, divided into shares of twenty-five dollars each, with power to increase the capital stock if necessary, to accomplish the objects herein contemplated.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization, a majority of said board shall be a quorum

to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act; they shall keep a journal of their proceedings, in which shall be entered all the laws [by-laws] and regulations, and orders for the payment of such allowances as may be made to their officers, and all others in their employment, which journal and proceedings shall from time to time be signed by their president; they shall sit upon their own adjournments, or on the call of the president; when the president is absent they may appoint a president pro tempore, and shall fill all vacancies that may occur in their body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We the undersigned promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in labor, materials, land or money, in such manner and at such times and proportions as the president and directors of Fort Wayne and Bluffton Turnpike Company may direct; the value of all subscriptions other than cash to be settled by the board of directors, and to be appraised at what the board shall consider their actual cash value at the time of payment. Witness our

hands and seals, this —— day of ———, A. D. 18—.

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of the United States on behalf of the same, for the commissioners of any county, the mayor and common council of any city, and the trustees of any town or village within the United States, to subscribe for any amount of capital stock in said company; and the books for subscriptions of stock shall be kept open in such place or places within the State of Indiana, or in any other State, and for such periods of time as the corporation may direct; and for the purposes of raising money to complete the road contemplated by this charter, or any part thereof, the said corporation shall have power to borrow money either by mortgage of the road, or in any other manner that may be agreed upon between the corporation, and the party or parties of whom the loan may be obtained.

Sec. 7. As soon as one hundred shares are subscribed, it shall be the duty of the corporation to give three weeks notice thereof in the nearest newspaper printed in the vicinity of said contemplated road, and in such notice to appoint a time and place for the stock-

holdersto meet and elect nine directors, who shall be stockholders and citizens of the State, which election shall be held within three months after the last share in the one hundred shares shall be subscribed for, and shall be conducted by three judges, appointed by the stockholders present, and the person having a plurality of the votes given and counted in public, shall be declared duly elected; no share shall give to the owner a right to vote at any election after the first election, unless the same shall be held one month previous to the election; in all elections one share shall entitle the holder to [one] vote only, and votes shall be given by persons holding the same or by one of any partners, or by the husband, father, mother, executor or administrator, trustee or guardian, or by the authorized agent of any corporation, State, United States, county, city, village and town, or any person having a right to vote may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president, and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first, shall be held on the first Tuesday of December annually, at such hour and place as the directors may direct; three weeks notice of which shall be given by publication in a newspaper printed and published in the vicinity of the contemplated road. The judges of all elections shall be three in number; they shall after the first election be appointed by the board of directors, and shall be stockholders, but not directors, at the time of the election. And it shall be the duty of said judges after the result of said election shall be known, to furnish the directors elect with a certificate of their election, which certificate shall be evidence of their right to act as such directors. The number of directors shall be nine, a majority of which shall be a quorum to transact business; Provided, That if from any cause whatever there shall be no election held on the day appointed, it shall be lawful to hold the election on any other day, to be designated by the directors.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk; stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or by the administrators, executors, trustees, or guardians; but the corporation shall have a lien upon such stock for all sums due or to become due from the stockholders to the corporation, either for subscriptions on [of] stock, or on any contract made

prior to such transfer.

Sec. 11. The corporation shall have power to call such part of the stock subscribed, as may seem to them necessary to carry on the work, to be paid by the stockholders in such materials, land, labor, or money, as shall have been designated by the party subscribing for such stock, to be paid at such time and place as the board of directors may designate, by giving sixty days notice in one of the

nearest newspapers to said route, or by giving written notice to the stockholders; in all such notices the amount demanded on each share, and the time and place of payment shall be set forth, and it shall be the duty of the board of directors to give each person subscribing for stock in materials or labor, to furnish the same upon the road most convenient to his premises; and if any stockholder shall neglect or refuse to pay or furnish such requisition within ten days after the time mentioned in such notice for such payment, the corporation shall have power to collect the same by an action at law in any court of competent jurisdiction, the same to be collected without the benefit of appraisement laws. The corporation shall have the power through their president, and in his name, but for their use, to purchase the stock of any stockholder, when offered in execution on a judgment obtained against him in favor of the corporation, and to sell the same in their discretion, for the benefit of the corporation.

Sec. 12. The corporation shall require all officers and others in their employment, to give bond, with security to their acceptance, with such penalty as they think proper, for the faithful performance

of their respective duties.

Sec. 13. The corporation by their agent shall have power from time to time to examine, mark, and locate the route of said turnpikeroad, from the public square in Fort Wayne, Allen county, to Bluffton, Wells county, with power to diverge from a direct line, for the interest of the company and public convenience; such road shall not exceed one hundred feet in width.

Sec. 14. And for the purpose of making such examinations and locations, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any lands to make, survey, and estimate, for the purpose of searching for stone, gravel, wood, or other material necessary for the construction of said road.

Sec. 15. It shall be lawful for the corporation either before or after the location of any section of said road, to obtain from the person or persons through whose lands said road may pass, a relinquishment of so much of said lands as may be necessary for the construction of said road or location thereof, as also the stone, gravel, wood, timber, or other materials that may be obtained on said route or near thereto, for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants and bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location or otherwise, and for the benefit of such corporation, shall be binding and obligatory, and the corporation may have their action in law, in any court of competent jurisdiction, to compel the observance of the same.

Sec. 16. The corporation shall cause said road to be opened not exceeding one hundred feet wide, and at least twenty feet shall be made an artificial road, except upon such points as may be upon a good natural road already in use, and such road [may] be covered with gravel, sand, wood, stone, coal, clay, or such other

materials as can best be secured, to be put on in as compact a manner as is usual for such materials.

Sec. 17. If it shall be found convenient or advantageous to the construction and location of said road, the corporation shall have the power and the right to lay the same along or upon any State or county road; *Provided*, That all State and county roads cross-

ing said turnpike road, shall be left open and free.

SEC. 18. That when said road or any particular section thereof shall be located, it shall be the duty of said corporation to cause a plat or plats thereof, to be deposited in the office of the county auditor in the county where such road is located, and after that time, it shall not be lawful for said corporation to alter or change any part thereof, unless said corporation pay the owner or owners of the land on said route the amount of damage they may sustain by said change.

Sec. 19. That if said road after its completion, or any section thereof, shall be suffered to go to decay, or be impassable one year, unless the same is repairing, the charter shall be considered as for-

feited.

Sec. 20. The corporation shall commence the construction of the same within five years, and complete so much thereof as shall be for the general interest of all concerned, and the means of the company will allow; and whenever five continuous miles of said road shall be completed agreeably to the provisions of this act, the county commissioners of the proper county shall appoint an agent to examine the same, and report his opinion in writing to the corporation, and if said road report shall state the road or any continuous five miles of the same, to be completed agreeably to the provisions of this act, the corporation may then erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of all persons traveling said road such tolls, and at such rates as said corporation may determine upon, to collect and receive from all persons traveling, or for the privilege of driving all kinds of live stock, wagons and teams, pleasure carriages, sleighs, and all other vehicles and things that may pass [over] said road or any part thereof, as shall be for the interest of said company, and the same to change, lower, or raise at pleasure; a list of the rates established from time to time, shall be posted up at some conspicuous place or places at each gate.

SEC. 21. If any person or persons using said road, shall with intent to defraud said company or to avoid the payment of toll, pass through any private way, gate [or] bars, or along any other ground near to said turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another person off said road with intent to defraud such corporation, each and [every] person concerned in such fraudulent practice, shall for every such offence forfeit and pay to the corporation the sum of five dollars, without any benefit of appraisement or stay law, to be

recovered with costs of suit in an action of debt at the suit of the corporation, before any justice of the peace in the county; Provided, That nothing in this act shall be so construed as to prevent persons residing along said road from passing about their premises, between the gates on said road, upon ordinary business.

Sec. 22. The company shall set up a post or stone at the end of every mile, with the number of miles from the place where the road may commence, fairly cut or painted thereon, and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and all the necessary matter in

relation to direction.

SEC. 23. Any person willfully or negligently [destroying,] defacing, or removing any guide-board, mile-post or stone, or list of rates of toll erected on said road, or remove any plank board, or other materials, which have been used in the construction of said road, shall, on conviction thereof, before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

Sec. 24. If any toll-gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction within twenty days after the occurrence.

Sec. 25. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing said road, or any section thereof, with incidental expenses; also a fair account of the tolls received, and the books of the corporation shall always be kept open for the inspection of an authorized agent of the State, or stockholder of said company; and the company shall have the right to sell the stock to the State, upon such terms as they may agree.

Sec. 26. This charter shall be limited to fifty years duration, and be in force from and after its passage, and be liberally con-

strued as a public act for all beneficial purposes.

Sec. 27. Every person residing on premises through, or touching which, said road passes, shall have the privilege at all times of passing and of going along and over said road, for the distance of one and a half miles each way from his place of residence, without paying any toll or charge for himself, or for any of his cattle, teams or property.

Sec. 28. The directors that may contract any debts over and above the amount of stock secured, shall be liable in their individual capacity, for the payment of all dues to laborers for work done upon said road, which shall not have been paid when due by the

company in its corporate capacity.

Sec. 29. The legislature reserve the right to repeal this charter whenever its provisions are violated; but if repealed, the assets, after the payment of all liabilities, shall be divided among the several

sick paupers of said county whenever required so to do.

stockholders, in proportion to the amount of stock paid in by each.

SEC. 30. The board of directors shall have power to receive by deed or other proper and legal conveyance, any lands, mortgages, stocks in any other companies, or otherr materials, which may be subscribed for stock in this company, and sell the same for money, labor, or otherwise convert the same into means to be used in the construction of said road, and to give all proper deeds or other legal conveyance that may be necessary to complete the sale of the same.

SEC. 31. The stock of the corporation shall be considered personal property, and may be sold in execution, and transferred upon the books of the corporation by the officer selling the same, but shall in all cases be subject to the lien named in section ten (10).

SEC. 32. This act shall be in force from and after its passage, and it is hereby [made] the duty of the Secretary of State to forward a certified copy of this act to the clerk of the Allen circuit court.

### CHAPTER CCLVI.

An act amendatory of an act entitled "An act to incorporate the Lafayette and Danville Railroad Company."

#### (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That said company may organize as soon as twenty thousand dollars are subscribed, and they are hereby authorized to make and substitute a plank road for the whole or any part of the distance between Lafayette and Danville, and may take tolls on the same as soon as five miles thereof are completed, and the charter of said company, which is hereby extended to fifty years from the passage of this act, shall not be forfeited if not less than twenty miles of the road shall be completed within five years from the passage of this act: Provided, however, That the tolls on said road shall not at any time exceed the rates of tolls prescribed and established in the act incorporating the Dayton and Frankfort Plank Road Company passed during the present session of the Legislature.

Sec. 2. This act to be in force from and after its passage.

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blumerer its provider are violated; but it repealed, the easels; at

## CHAPTER CCLVII. Other CHAPTER CCLVIII. Other of said county as a physician shall not be connected to the compensation.

An act for the relief of Wm. C. A. Bein, of Scott county.

#### (APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for William C. A. Bain, owner of school lands in Scott county to relinquish to the school commissioners of said county any part of said lands, and apply the amount of the purchase money, heretofore paid, to the remainder of such lands as are not relinquished, under the following restrictions.

Sec. 2. Before it shall be lawful for such purchaser to relinquish or surrender any part of said lands by him purchased as aforesaid, it shall be his duty to notify the school commissioners of said county of his intentions so to do, whereupon said school commissioners shall forthwith notify in writing the township trustees in which said lands may be situated to forthwith examine said lands, and if said trustees shall be of opinion that it will not be detrimental to the interest of the school fund of said township, it shall and may be lawful for such purchaser to release said lands or any part thereof to said commissioners who shall cause the contract with said purchaser as to said lands or so much thereof as may be by him released, according to the tenor and opinion of said trustees, and it shall be the duty of the school commissioners to apply all the money by him paid on said contract for the lands by him released as aforesaid.

SEC. 3. All lands returned to the school commissioners under the provisions of this act shall be subject to sale and governed in all respects as other school lands are.

Sec. 4. This act shall be in full force and effect from and after its passage.

Branch Railroad Company so far as the same may be necessary to

carry out the purposes mentioned in the first section of this act

## CHAPTER CCLVIII.

An act to authorize the Commissioners of Porter County to employ a physician for the Poor.

## ogras ybod biak 10 (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the Board doing county business in the county of Porter is hereby authorized to employ a physician to attend the paupers of said county at such compensation as said Board may [deem] just and reasonable.

SEC. 2. It shall be the duty of said physician to attend to the

sick paupers of said county whenever required so to do.

Sec. 3. Any other person attending upon the paupers of said county as a physician shall not be entitled to any compensation therefor, unless the physician employed under the first section of this act, shall be at the time absent or unable to attend upon such pauper.

Indicate That it shall be lawful for William C. A. Bain, owner of

sechool lands in Scott county to relinquish to the school commis-

sioners of said county any part of said lands, and apply the amount

of the purchase money, heretofore paid, to the remainder of such

lands as are not relinquished; under the following restrictions. (6)

SEC. 4. This act shall be force from and after its passage.

## Sime riols as beaution CHAPTER CCLIX. o may you rebronned as

An act to incorporate the Shelbyville Arm of The Shelbyville and Edinburgh Lateral Branch
Railroad Company.

## bias li bus abus (APPROVED JANUARY 16, 1849.)

Section 1. Be it enaceted by the General Assembly of the State of Indiana, That James Elliott, John Elliott, and Cyrus Wright, of Shelby county, and their successors in office, are hereby constituted a body corporate and politic by the name of "The President and Directors of the Shelbyville Arm of "the Shelbyville and Edinburgh Lateral Branch Railroad" with full authority to locate, build, construct and maintain a Railroad, running from the Elliott Mills adjoining the town of Shelbyville, in Shelby county, to and intersecting with the said Shelbyville and Edinburgh Lateral Branch Railroad, at or near the depot of the said last named railroad at Shelbyville.

Sec. 2. That the body corporate and politic, created in the foregoing section of this act, is hereby invested with all such powers, rights, and privileges as heretofore have been and may hereafter be conferred upon the said Shelbyville and Edinburgh Lateral Branch Railroad Company so far as the same may be necessary to carry out the purposes mentioned in the first section of this act: Provided, however, That the same shall not in any manner interfere with the rights, and privileges, and powers of said last named company.

Sec. 3. The legislature hereby reserves the right to alter, amend, or repeal this act upon the violation of any of the rights, privileges, powers, or duties, hereby created, upon the part of said body corporate hereby created.

SEC. 4. This act is hereby declared a public act, and shall be liberally construed for all beneficial purposes herein intended.

Sec. 5. This act to be in force from and after its passage.

#### CHAPTER CCLX.

An act in relation to an election of a justice of the peace in Fairfield Township in Tippecanoe county.

#### (APPROVED DECEMBER 30, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That one of the four justices of the peace authorized by law to be elected in and for Fairfield township, in Tippecanoe county in this State, shall in addition to his other qualifications for such justice, at the time of his election and during his continuance in office, reside and have his office in said township more than one mile from the present corporate limits of the town of Lafayette in said county.

Sec. 2. That the vacancy in the office of justice of the peace in said township which shall next require to be filled, after the passage of this act, and which now exists, shall be filled by some person who shall reside and have his office, as in the first section of this act is provided, and the successors of such person shall have their

residence and keep their offices as therein directed.

SEC. 3. That all books, papers, documents, and dockets, appertainining to the office of justice of the peace so vacant as aforesaid, which by law ought to be delivered over to the person who shall be elected to fill such vacancy as aforesaid, instead thereof shall be delivered over to the justice of the peace of said township whose commission is of the earliest date, who is hereby authorized to receive them and who is hereby fully empowered to issue executions on judgments entered and recorded in said dockets, to give and certify transcripts of said papers, judgments, and dockets, and to proceed in all cases in like manner and with the same force and effect as though such books, papers, documents, and dockets had belonged to and been delivered over by the predecessor of such justice who may so receive the same as aforesaid; and all laws conflicting with the provisions of this act are hereby repealed.

SEC. 4. This act shall be in force from and after its passage, and the Secretary of State is hereby directed to certify a copy of the same

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holders in said company to be bold at such and whee we said

said commissioners the stockholders shall proceed to elect soven

tors, whereand in life inducer continue the prince of the following

forthwith to the clerk of the Tippecanoe circuit court.

#### CHAPTER CCLXI.

An Act to incorporate the Franklin and White River Turnpike Company.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enucted by the General Assembly of the State of Indiana. That all such persons as shall become stockholders pursuant to the provisions of this act, are hereby constituted a body politic and corporate, by the name and style of "The Franklin and White River Turnpike Company," and by that name shall have perpetual succession, and shall be able and capable to sue and be sued, plead and be impleaded, defend and be defended against, answer and be answered unto, in law and in equity, in any court in this State. They shall, in like manner, be able and capable to contract and be contracted with, to acquire, purchase, hold, possess, use, occupy, and enjoy, either by purchase, mortgage, lease, or assignment such real and personal estate and property as may be necessary to effect or secure the purposes of their association, and the same or any part thereof to lease, rent, mortgage, assign, and sell and convey, whenever it may be convenient and necessary so to do: Provided, That the real estate hereby authorized to be held shall not at one time exceed twenty thousand dollars in value. The capital stock of said company shall be thirty thousand dollars, which may be increased as hereinafter provided, to one hundred thousand dollars. Such capital stock shall be divided into shares of twenty-five dollars each.

SEC. 2. That Robert Hamilton, George King, John Herriott, Peter Shuck, and William H. H. Pinne, of Johnson county, Cyrus Whitsel, Washington Landers, John V. Swearingen, James S. Kelly, William Hadley and William T. Worthington, of the county of Morgan, and such persons as they may appoint, are hereby appointed commissioners to open books and receive subscriptions of stock, all or any one of whom, so soon as a majority of said commissioners deem best, shall open said books for subscriptions of stock of said company, at such places as they may agree upon. And said books shall continue open until three hundred shares of said stock shall have been subscribed for. And so soon as that amount shall be subscribed, said commissioners may call a meeting of the stockholders in said company, to be held at such time and place as said commissioners shall agree upon. And under the supervision of said commissioners the stockholders shall proceed to elect seven directors of said company, to serve as such for one year and until their successors are elected and qualified.

Sec. 3. Annually upon such day, and at the point at which the office of the company is held, there shall be an election of seven directors, who shall in like manner continue in office until their successors are chosen and qualified. And at such elections the seven persons having the greatest number of votes shall be declared elected: *Provided*, That no person shall be eligible as director who is not a stockholder in said company.

Sec. 4. At all elections each share of stock to the number of twenty, held by one person, shall represent one vote, and so entitle the holder, and one additional vote for each additional three shares held by one person shall be allowed. All votes may be given by proxy as well as in person. All elections after the first shall be conducted by the existing board.

Sec. 5. All vacancies in the board shall be filled by the remaining directors; and any person ceasing to be a stockholder shall

thereby vacate his office.

SEC. 6. The directors, immediately after their election, shall hold a meeting and elect one of their number president of the board; and shall then, after taking an appropriate oath of office, be capable of discharging the duties devolved upon them by this act.

Sec. 7. Five directors shall be able to form a quorum and trans-

act business.

Sec. 8. The affairs and business of the company shall be entirely under the direction and control of the board of directors; and they are hereby fully authorized to do, transact, and perform, for and in behalf of said company, whatever the same under this act is authorized to do and perform, and to make, appoint, and employ, and at pleasure to remove and discharge all such agents, attorneys, officers, mechanics, workmen, laborers, and servants as shall be necessary to construct the road herein contemplated, or for the transaction of any other business of the company, and to allow them severally a suitable compensation for their services. Said board shall also appoint a secretary and treasurer for said company, each of whom shall be removable at pleasure. They shall cause the secretary to keep complete entries, in appropriate books, of all their acts and doings, and the same shall at all times be open to the inspection of any stockholder. They shall also have power to make, ordain, establish, and enforce all such rules, ordinances, and bylaws as shall be necessary for their own regulation for determining and directing the conduct of their agents, officers, workmen, and all other persons in their employment; none of which laws or regulations shall be inconsistent with the constitution and laws of this or the United States. The said board shall also have power to make, use, and adopt a common seal, and to alter, amend, or renew the same at pleasure.

SEC. 9. Said company are hereby empowered to construct, complete, and keep in repair a turnpike road from Franklin, in Johnson son county, by the way of Mooresville, in Morgan county, to some convenient point on the National Road, in Hendricks county, and if in the exercise of these powers it becomes necessary for them to use timber or any other materials, for which they have obtained no release from the owner, they shall, in appropriating the same to

their use, be governed by the provisions of the act, entitled "An act to provide for a general system of internal improvements," approved January 27, 1836, in like cases and acts amendatory thereto.

Sec. 10. The board of directors shall have power to demand of stockholders payment of their stock in such manner and at such times as the exigency of the company's interests may demand, not, however, exceeding in any one call for payment a proportion exceeding fifty per cent. or in any one year a proportion exceeding fifty per cent. thereof, and not until after thirty days' notice of such call shall have been given by publication in the newspaper, if any published, in the counties through which the road may be located. And if any stockholder shall neglect or refuse to pay the assessments so made on his subscription, the said board, in their discretion, may declare his stock, together with all former payments thereon, forfeited, and may thereupon take and hold the same as absolutely forfeited.

Sec. 11. Whenever the board of directors shall discover that an increase of stock is desirable, they may, after thirty days' notice of the time and place of so doing, open books for the subscription of additional stock, to be regulated by such rules as they in their dis-

cretion may adopt.

Sec. 12. The stock of said company shall be transferable or assignable on the books of the company in such manner as the board may direct; and such stock shall in all respects be held and considered as personal property, and as such subject to execution

against the owner and holder.

Sec. 13. In all contracts [in] which between natural persons a seal is not required by law, the said corporation shall be bound by the signature of its president, attested by its secretary; and all instruments, deeds, mortgages, covenants, or conveyances, which by law require a seal, shall be signed by the president, attested by the secretary, and sealed with the corporate seal of the company.

Sec. 14. The treasurer shall give bond to the satisfaction of the board of directors, conditioned faithfully to perform his duty, and fully to account for all moneys which come to his hands as such treasurer. He shall receive all moneys belonging to the company and pay the same out only on the order of the board of directors. He shall keep complete and full books, indicating fully his liabilities and credits as well as the entire financial condition of the company; which books shall always be open to the inspection of any stockholder.

Sec. 15. Said road shall be laid out not less than thirty feet wide, twenty feet of which shall be graded at such an angle as said board shall determine, and such proportion of said grade as may be deemed necessary, shall be faced with plank, gravel, broken stone, charcoal, clay, or blocks of timber, as may, by said board, be agreed upon, so as to secure a firm and safe road for transit.

Sec. 16. Said road, with the consent of the county boards interested, may be laid out on any county or State road contiguous

to this line of its location, or upon any portion of such road; Provided, The boards of commissioners of the counties of Johnson and Morgan, at the time of consenting to such location, may, if they think proper, fix a rate of tolls to be entered on the records of said boards, above which rate, said company shall never be allowed to charge without the consent of said boards.

Sec. 17. The county board in any county in this State may subscribe for any portion of said stock which they may respectively

agree upon, with the assent of the voters of such county.

Sec. 18. The company shall have the right to collect such transit or other tolls on said road as the board of directors may, from time to time, agree upon; *Provided*, that no increase of tolls shall be made until after the same has been advertised in hand bill and newspaper notices at least thirty days; *Provided*, The same shall not exceed the rates fixed by the boards of Johnson and Morgan counties, or by said boards previously consented to; *And provided further*, that said boards shall at no time have the power to reduce the tolls below the rates fixed by them, as provided in section sixteen of this act.

Sec. 19. The office of said company, unless otherwise ordered

by the board of directors, shall be kept at Franklin.

Sec. 20. It shall be the duty of board of directors to cause permanent notices of the rates of tolls and penalties, to be put up in conspicuous places at each of their toll gates.

Sec. 21. Any person who shall injure, obstruct, or destroy any portion of said road, or its appurtenances, such person shall forfeit and pay any sum not less than ten dollars for each and every such

injury or obstruction.

Sec. 22. If any person or persons using said road shall, with intent to defraud said corporation, or to avoid the payment of tolls, pass through any private way, gate, or bars, or along any ground near to any gate of said company, which shall be enclosed pursuant to the provisions of this act, or shall practice any fraudulent means with intent to lessen the tolls due from him or them, or if any person shall take any other person off said road with intent to defraud said company, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to said company, the sum of five dollars without any benefit of appraisement or stay law, to be recovered by action of debt at the suit of said corporation, before any justice of the peace in the county in which such act was committed; Provided, that nothing in this act shall be construed so as to prevent persons residing along said road from passing along said road about their premises between gates, on said road on their ordinary business.

Sec. 23. That if said road after its completion, or any portion thereof, shall be suffered to go to decay, or be impassable one year, except when undergoing repairs, this charter shall be considered as forfeited. And during the time of construction, or after the same

is completed, said company shall be permitted to charge tolls only

upon so much of said road as is kept in repair.

SEC. 24. Should any gate keeper on said road, hinder or unnecessarily detain any passengers, after the fixed rates of tolls shall have been tendered, or shall charge a higher rate than that fixed upon by the boards, as herein provided, he shall forfeit and pay any sum not less than ten dollars; which may be recovered by the aggrieved party, before any court having competent jurisdiction; Provided, suit therefor shall be brought within twenty days next after the offence is committed.

Sec. 25. The board of directors shall, semi-annually, declare such dividends of the profits of their transactions, including as well such as arise from tolls, as that acquired from other sources, as they shall deem for the interests of the company. The president, directors, secretary, and treasurer shall each receive such compensation for their services, as may be agreed upon from time to time, by the stockholders at their general meetings.

Sec. 26. Service and process against the company shall be suf-

ficient if made on the president thereof.

Sec. 27. This act for all judicial purposes is declared a public act, and the same shall be in force from and after its passage.

## CHAPTER CCLXII.

Sec. 21 Any person who shall injure, obstruct or destroy any

An Act to amend the act incorporating the Brookville and West Union Turnpike Company

## (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the said Brookville and West Union Turnpike Company, be and it is hereby authorized to construct [said] road at a grade of not more than five degrees.

or stay law to be recovered by action of debt at the suit of said corpo

ration, before any justice of the peace in the countr in which such

wood on their ordinary businessen done bus permetted the buse

except when undergoing repairs, this charter shall be considered as

forfeited. And during the time of construction or after the same

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CCLXIII.

sear of Jay county, from thence to New Corydon, in said county

An Act for the relief of Martin Fitzpatrick.

## (APPROVED JANUARY 11, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Martin Fitzpatrick be and he is hereby allowed the sum of one hundred and seventy-eight dollars and forty-eight cents, for work and labor performed by him on the New Albany and Vincennes Turnpike Road, and the superintendent of said road is hereby authorized to pay over to said Fitzpatrick, said amount out of any moneys now in his hands of the proceeds of the tolls on said road; and if there be no money of the said proceeds now in his hands, he shall pay the same out of the first moneys, proceeds of said tolls, that shall hereafter be received by him as such superintendent.

Sec. 2. This act to be in force from and after its passage.

### CHAPTER CCLXIV.

An Act to incorporate the Winchester and Fort Wayne Railroad Company.

#### (APPROVED JANUARY 13, 1849.)

Section 1. Be it exacted by the General Assembly of the State of Indiana, That Edward Edgger, Dr. Longshore, John Jenkison, Welcome G. Pachett, Joel Lewis, and H. H. Neff, of Randolph county; Robert Huey, Nathan B. Hawkins, George W. Templer, Jonas Vattaw, Theophilus Wilson, Samuel Hall, and Nathan Vanderoof, of Jay county; S. S. Mickel, S. L. Rugg, Josiah Croford, William Sheppard, Joseph Crabb, and J. D. Nutman, of Adams county; and Nelson McLain, J. D. G. Nelson, Allen Hamilton, F. P. Randall, and Pliny Holegland, of Allen county, be and they are hereby constituted a body corporate and politic, to be known by the name and style of the Winchester and Fort Wayne Railroad Company, with a right and power to raise a capital stock of seventy-five thousand dollars, and at pleasure to increase the same, whenever the same may be required to carry into effect that which is contemplated by this act, viz: the construction of a Railroad commencing at Winchester, the county seat of Randolph county, running from thence to Deerfield, in said county, from thence to Portland, the county

seat of Jay county, from thence to New Corydon, in said county, from thence to Decatur, the county seat of Adams county, and from thence to Fort Wayne, the county town of the county of Allen, and for the purposes contemplated in this section, the provisions of an act entitled "An act to incorporate the Indianapolis and Bellefontaine Railroad Company," approved February seventeenth, 1848, be and the same are hereby extended to the persons named in this act, and their successors in office.

SEC. 2. The construction of said road shall commence at Winchester in such a manner as to intersect the Indianapolis and Bellefontaine Railroad, and from thence shall be completed in continu-

ous sections from the point of commencement.

SEC. 3. The county boards shall in no instance take or subscribe stock therein, unless a majority of the legal voters of said county shall order the same by a direct vote in favor thereof, the provisions of section fifty-eight of the act hereby extended to the names mentioned in section first in this act to the contrary notwithstanding.

#### CHAPTER CCLXV.

An Act to establish a Male and Female Institute in the city of Lawrenceburgh, Dearborn county, Indiana.

#### (APPROVED JANUARY 15, 1849.)

Whereas, it has been represented to the General Assembly of the State of Indiana, that a Male and Female Institute are now established in the city of Lawrenceburgh, in which is taught all the branches of a thorough academical education, and that the object of the Institute will be promoted by the grant of a charter of incorporation; therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That George H. Dunn, William B. McCullough, Daniel S. Major, M. H. Harding, William S. Darbin, Omer Tousey, David B. Lewis, William Brown, George Tousey, David Macy, Elza Burkham, C. F. Clarkson, and A. E. Chambers, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name and style of the Trustees of the Lawrenceburgh Male and Female Institute, and by the said name shall have succession and exist forever. The whole number of members of the board of trustees hereby constituted shall never at any one time consist of

less than nine nor more than thirteen: Provided, That if at any time by death, removal, resignation, or otherwise, the number on said board shall be reduced to a number less than nine, any of said members, not less than five, shall have power, at any legal meeting, to fill so many of the vacancies so created, as that the whole number of the members on the board shall not be less than nine.

Sec. 2. The trustees, by this act of incorporation, shall have power at any legal meeting, to elect a president of their own body, a secretary, treasurer, and such other officers as they shall think proper, whose term of office and duties shall be such as the board shall appoint, and to remove the same; to establish such ordinances and by-laws, not contrary to the constitution and laws of this State, or the constitution and laws of the United States, as they shall deem proper for their own government, and to alter, amend, or repeal the same, to continue in existence and prosperity the aforesaid Institute in the city of Lawrenceburgh, or its vicinity, in the county of Dearborn, for the academical education of the sons and daughters of the citizens of this and other States, of every class and denomination, who may attend the same.

Sec. 3. The said trustees shall have power to appoint or eject the principal of the Institute, and to confirm or reject any teacher or teachers which [whom] the principal may select to assist him in the board of instruction, and to award with the consent of the principal, academical diplomas, or certificates, to any pupil or pupils, male or female, who shall have passed through the regular course of study adopted in the institution, and shall have given satisfaction in regard to their knowledge of the same, which diplomas or certificates, shall be subscribed by the principal and board of teachers, and the president and Secretary of the board of trustees, and authenticated by the common seal of the Institute. The said trustees and their successors shall, moreover, have power to make and use a common seal, and the same to renew or alter at pleasure.

Sec. 4. They shall be, and are hereby made capable in law, by the name and style of the Trustees of the Lawrenceburgh Male and Female Institute, and shall have power to purchase, receive by donation, possess, sell, lease, or otherwise manage or dispose of any lands, tenements, or hereditaments, or any personal property, not exceeding at any one time in value fifty thousand dollars, and any moneys, notes, bonds, subscriptions, bills, goods, chattels, devises, or other property, of whatsoever kind, as they shall think proper for the benefit and use of the aforesaid Institute, to contract and be contracted with, to sue and be sued, plead and be impleaded, in any court or courts, before any judge or judges, or justice of the peace, within the State of Indiana, or elsewhere, and every other thing therein to do in as full and effectual a manner as any other body corporate or politic, of like nature within said State may do.

Sec. 5. This act is hereby declared to be a public act and shall be construed liberally and for every beneficial purpose hereby intended, and no omission to use any of the privileges hereby granted shall

cause a forfeiture of the same, nor shall any gifts, grants, conveyances, or devise, to or for the use of said institution be defeated or prejudiced on account of any misnomer or informality whatever: Provided, That the [intention] of the parties be shown beyond reasonable doubt.

SEC. 6. The State reserves the right to alter and amend this act at any time by a vote of two-thirds of each branch of the Legislature: Provided, That no alteration shall be made which shall change or affect the fundamental principles on which or the objects for which the institution hereby provided to be established is founded.

SEC. 7. This act to take effect and be in force from and after its passage.

## CHAPTER CCLXVI. bias and the control of the control

elses and denomination, who may attend the same.

Mercounty of Dearborn, for the academical education of the sons

An Act to incorporate the Fort Wayne Medical Society.

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Section 1. Be it enacted by the General Assembly of the State of Indiana, That James Conniston, Charles E. Sturgis, S. L. Thompson, S. S. Woodworth, Henry Wehmer, and J. M. Kitchen, of Allen county, and Thomas Hamilton, of Wabash county, and their associates and successors, be and they are hereby constituted a body politic and corporate, by the name and style of the Fort Wayne Medical Society, and by that name shall have power to contract and be contracted with, sue and be sued, in any court of law or equity, and may have and use a common seal with power to change the same at pleasure.

Sec. 2. The said Society may, in its corporate capacity, purchase, or receive by gifts, grants, or donation, books, maps, charts, medical, philosophical, and scientific apparatus, and such other personal property as may be necessary and proper, and dispose of the same at pleasure, and may also take by purchase, gift, grant, devise, or other conveyance, any real estate, and sell, convey, rent, or

hire the same for the benefit of said Society.

SEC. 3. That said Society shall have power to form and ratify a constitution and by-laws, not inconsistent with the laws and constitution of this State, for the government of said corporation, the management of its fiscal concerns, admission of members, and appointment of officers, together with such other powers as may be necessary and proper for the efficient direction and management of its concerns.

SEC. 4. The Legislature hereby reserves the right to alternamend, or repeal this act at any future time: *Provided*, Such alteration or repeal shall not affect the title to any property acquired or conveyed under the provisions of this act.

SEC. 5. This act to take effect and be in force from and after-

its passage.

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Section 1. Both concled for the Bound Assembly of the State of

Industry, That the auditor of Harrison county be and he is dereby authorized and empowered to execute and deliver, to William I.

An Act further to amend an act, entitled "An act to incorporate the town of Columbus, in Bartholomew county, Indiana," approved February 6, 1839.

## (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the president and trustees of the town [of] Columbus, be, and they are hereby, authorized and fully empowered to extend any street or alley in said town so as to intersect any addition thereto, or to extend any such street or alley on its present course, so as to terminate on any railroad which now does or may hereafter pass through or immediately on the border of said town.

SEC. 2. Said president and trustees shall have power, upon the petition of a majority of the freeholders of said town to authorize the laying down of a railroad track upon any street or part of street

in said town.

SEC. 3. If any property levied upon and offered for sale for non-payment of taxes shall not be sold for want of bidders, said marshal shall note that fact in his return; whereupon, the clerk shall forthwith issue a further precept, as in the first instance provided, commanding said marshal to sell said property for the payment of said taxes, and to return such process with said taxes within thirty days thereafter. Said marshal in making such sale and return shall conform to the laws governing sales for taxes in the first instance, except as herein otherwise directed.

Sec. 4. This act to be in force from and after its passage.

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An Act to authorize the Auditor of Harrison county to make a deed to William R. Goldsmith, of said county.

#### [APPROVED JANUARY 17, 1849]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the auditor of Harrison county be and he is hereby authorized and empowered to execute and deliver to William R. Goldsmith, of said county, a deed of conveyance sufficient to convey and assure to him and his heirs an estate in fee simple, and all the estate, right, and title of the State of Indiana, in and to lot number four, in section sixteen (16), in township number five south, in range number five east, in said county.

Sec. 2. Before said auditor shall execute said deed, the said William R. Goldsmith shall file in the office of said auditor the original certificate of purchase of said lot, and also the certificate of the school commissioner of said county or of the person discharging the duties of such school commissioner, that full payment of the original purchase money of said lot and all interest thereon has been fully paid.

Sec. 3. This act to take effect and be in force from and after its passage.

Sec. 2. Said president and marres shall have power, upon the

### CHAPTER CCLXIX.

An Act to incorporate the Washington Fire Company, No. 2.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Henry B. Davison, Isaac Wagner, William H. Fitch, Josiah S. Weyer, and their associates, members of Washington Fire Company, No. 2, at Madison, Indiana, and their regular successors be, and they are hereby, created a body corporate and politic, by the name and style of "The Washington Fire Company, No. 2," for the purpose of protecting their fellow-citizens against loss by fire, and by that name shall be competent to contract and be contracted with, to sue and be sued, to plead and be impleaded, defend and be defended in all courts and places, and in all matters

whatever, with full power and lawful authority to acquire, hold, use, occupy, and enjoy by purchase, gift, grant, or devise, and the same to sell, convey, or improve, rent, or lease all the real estate they may become possessed of, in value not exceeding one hundred thousand dollars, as also all such personal property, fixtures. and money as they may become possessed of for the carrying out the object of their organization; and to make, have, and use a common seal, and the same to alter, break, and renew at pleasure. and to appoint such officers as they may deem necessary, to prescribe their general duties, and to require such security of them as they may deem proper to secure the faithful performance, and may remove them at pleasure; to make, ordain, and put in execution such by-laws, rules, and regulations as shall be necessary for the good government of its concerns, not repugnant to the constitution and laws of the State: Provided, That in no case shall one member be allowed more than one vote on any question that may arise: Provided also, That upon a repeal of this act, or the dissolution of the corporation, the property held by said corporation at the time of such dissolution may be disposed of, sold, and conveyed in such manner as a majority of the corporation shall direct.

Sec. 2. This act to be in force from and after its passage.

### CHAPTER CCLXX.

An Act to change a certain State Road therein named.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the State road leading from Greencastle to Manhattan, in Putnam county, as runs along and upon section twelve, in township thirteen north, of range five west, belonging to Solomon Simpson, may be so changed by the owner of said land as to run parallel with the Terre Haute and Richmond Railroad from where the said railroad crosses the said State road on the south side of said farm to where the said railroad crosses said State road the last time on the north side of said farm, or until where said railroad leaves the present improved part of said farm: Provided, That the same is put in as good condition for travel at the proper expense of and by the owner of said land, as the old road now is or may be at the time such change may be made.

Sec. 2. This act to be in force from and after its passage.

whatever, with full power and lawful authority to acquire, hold, use

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An Act for the relief of John Kromer.

### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be paid to John Kromer, out of any money in the treasury not otherwise appropriated, the sum of twenty four dollars and eighteen cents for his time and expenses in capturing a fugitive from justice, upon the requisition of the Governor of this State upon the Governor of Michigan.

SEC. 2. This act to be in force from and after its passage.

#### CHAPTER CCLXXII.

of annitational unity be disposed of sold and convered in such

An Act for the extension of Illinois Street, in the City of Indianapolis.

#### (APPROVED JANUARY 12, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Illinois street, in the City of Indianapolis be, and the same is hereby, extended due north from its present termination of the northern donation line of said city one hundred and sixty rods, and as much farther as may be necessary to connect said street with a road laid out from the Indianapolis and Fort Wayne State road to West's mills on Fall Creek.

Sec. 2. That William Biddle of said city be and is hereby appointed a commissioner, with full power and authority to open said street between the points aforesaid, who shall be paid a resonable sum for his services by the treasurer of Marion county.

touth side of said farm to where the said referred crosses sail State

and rainad leaves the present improved part of said farm:

now is or may be at the time such change may be made.

SEC. 3. This act to be in force from and after its passage.

#### CHAPTER CCLXXIII.

An Act to incorporate the Brookville and Milroy Turnpike Company.

#### [APPROVED JANUARY 17, 1849.1

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Charles Smith, George W. Walker, William Gordon, Jonathan Gable, John Walker, and Moses J. Kelly, of Franklin county; Harvey Hedrick and Milton Robbins, of Rush county, and their successors in office be and they are hereby created a body politic and corporate, by the name and style of "The Brookville and Milroy Turnpike Company," and by such name and style shall have power to sue and be sued, contract and be contracted with, plead and be impleaded, answer and be defended in all suits and in all courts.

Sec. 2. The capital stock of said company shall consist of fifty thousand dollars, or such sum of money as may be necessary to build a turnpike or plank road from Brookville, in Franklin county, to Milroy, in Rush county, to be divided into shares of fifty dollars each, and which said stock may be subscribed for by any person or persons, a body politic or corporate, and paid in such sums and at such times and places as the directors of said company may determine.

Sec. 3. Books for the subscription to [the] corporate stock of said company may be opened under the direction of the directors herein named, or either of them, and when ten thousand dollars of said stock is subscribed, notice shall be given of a time and place for the meeting of said stockholders to elect seven directors for said company, to serve as such for one year, and until their successors are elected, and each share shall entitle the holder thereof to one yote.

Sec. 4. Said corporation shall have power to survey, locate, and make a McAdamized turnpike or plank road from Brookville to Milroy. and to employ such engineer, agents, and servants as may be necessary, after organizing by the election of a president, treasurer, and secretary; and said company shall have power to locate said road upon the most eligible route, and in so locating the same may locate the same upon either State or county roads.

Sec. 5. Said company shall have power to seize the right of way, gravel, and other materials when the same cannot be procured by contract at fair prices, upon complying with the terms and conditions of the sixth section; and said company shall have power to assess and collect reasonable tolls for the use of said road, and to adopt rules and regulations to preserve the same and prevent the evasion of toll gates.

Sec. 6. Before said company shall seize either the right of way, gravel, and materials, the owner thereof, or party to be aggrieved

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thereby, shall or may present his claim for damages to the president, secretary, or treasurer, and if not paid or allowed, one commissioner may be selected by said party and one by said company, and they a third, who shall examine the same and receive testimony and make their award, and from which either party may appeal to the proper circuit court, and said commissioners shall file with the clerk thereof the papers, and upon the payment of said award, or replevying the same, they may proceed to use said right of way, gravel, &c.

Sec. 7. Said company shall not let work or contract liabilities beyond the amount of solvent stock subscribed, nor issue any note, bond, or bills designed or intended as a circulating medium.

Sec. 8. Should said corporation violate the seventh section the directors shall be individually liable for the contracts made and liabilities incurred in violation of the same.

Sec. 9. This act shall be in force from and after its passage.

## CHAPTER CCLXXIV.

An Act to incorporate the Wayne County Turnpike Company.

(APPROVED DECEMBER 5, 1848.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Jeremy Mansur, Caleb Shearon, Benjamin, Strattan, Joshua Eliason, David B. Woods, Jacob Brooks, Jacob Raymond, Jacob Vore, and James Rariden, and their successors in office duly elected as hereinafter directed, are hereby constituted a body corporate and politic, and by the name and style of the President and Directors of the Wayne County Turnpike Company, shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended against, answer and be answered unto, in all and any courts of competent jurisdiction; to make and use a common seal, and the same to change at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws and regulations to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of the State.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of fifty dollars each, and shall be applied to the construction of a turnpike road in Wayne county, commencing at the western terminus of the Richmond turnpike,

about three miles east of Richmond, and to be continued westward on the line of the national road to the county line between the counties of Henry and Wayne, and the State of Indiana hereby relinquishes to said Wayne County Turnpike Company all the rights, interests, and claims in and to the line of said national road in said county of Wayne, the grade, materials, bridges, construction of all kinds she now has or may hereafter acquire from the General Government in and to the said national road; Provided, That in case the Federal Government should at any time hereafter determine to resume the ownership and control of said road, said company shall relinquish the same to the General Government, on receiving from it the full cost of construction as expended by said company.

Sec. 3. The persons in the first section of this act named, shall be the directors of said company until others are elected and qualified as is hereinafter directed, and said first named directors, or a majority of them, shall meet in Centreville in Wayne county, at such time as may be agreed upon by a majority of said directors, and at such meeting shall organize said corporation by electing one of their body president, a secretary and a treasurer, and after such organization any five of said board shall be a quorum, to transact business.

SEC. 4. The corporation shall have power to appoint agents, clerks, surveyors, engineers, superintendents, and other officers proper and necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for payment of such sums of money as may be allowed to their officers, and all others in their employ. The minutes of their proceedings shall be signed by the president; they may sit on their own appointments, or on the call of the president; when the president is absent they may appoint a president pro tempore, and they shall fill all vacancies happening in their body, and may require their officers to enter into bond and security for the faithful performance of their duties.

Sec. 5. The corporation may cause books to be opened for subscriptions to the stock of said company, at such times and places as they may choose, due notice thereof being given in one or more public newspapers of said county, and said company may receive subscription of stock in money or labor, or in any other way as to them may seem proper, and said subscriptions of stock shall be paid in such instalments, and at such times as the board shall deem expedient, but notice of the demand for the payment of any and all installments shall be published in one or more newspapers in said county, at least three weeks previous to the day said instalments are made payable.

Sec. 6. It shall be lawful for all persons, of lawful age, or for the agent of any corporation, or the board of commissioners of the said county of Wayne, to subscribe for any amount of stock in said company, under such rules as may be prescribed by the board of directors.

Sec. 7. As soon as one hundred shares are subscribed for, and ten per centum thereon paid, it shall be the duty of the board of directors to give three weeks notice thereof, in one or more newspapers in said county, and in such notice appoint a time and place for the stockholders to meet and elect nine directors who shall be stockholders and citizens of Wayne county, which election shall be by ballot and conducted under the supervision of one inspector and two judges appointed by the stockholders present, and the person having the highest number of votes shall be doclared duly elected, and in all elections each share shall entitle the holder to one vote, such vote to be given by the person holding the same, or by the husband, father, mother, guardian, trustee, executors, administrator, proxy, or agent of any such shareholders, or by the agent or proxy of any corporation.

Sec. 8. The directors elected as above prescribed, and those elected at all subsequent elections, shall elect one of the number president, and directors thus elected shall continue in office until their successors are elected and qualified, and elections for directors shall thereafter annually be held on the first Monday of September, or in case of failure then to elect at such subsequent time as the

board shall appoint.

SEC. 9. Certificates of stock shall be given to stockholders which shall be evidence of stock held; they shall be signed by the president and countersigned by the secretary; the stock shall be transferable on the books of the corporation personally or by agent, attorney in fact, executor, administrator, trustee, or guardian, but such stock shall at all times be held by the company for any dues from the holders thereof to said company, or for sums that may thereafter become due said company on contracts prior to such transfer.

Sec. 10. Whenever any stockholder shall neglect or refuse to pay any installment, for three months after the same shall have become due, the corporation may bring suit therefor in any court of competent jurisdiction, and recover the amount due with ten percentum damages thereon; and if the same cannot be made on execution, or the delinquent is without the State, then said corporation may, by an order entered on their books, declare the stock, for which such installment was due to be forfeited, with whatsoever amount shall have been paid thereon, and no person, while delinquent, shall have any right to vote at any election for directors or to receive any dividend on his stock.

Sec. 11. In case said company shall require for the use of said road any stone, gravel, timber, or other material from the land of any person adjoining said road, or near thereto, and said company cannot contract with the owner for the same, said company may give notice to some justice of the peace of the county of Wayne, and such justice shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named in such summons, and if the parties cannot then agree, said justice shall issue a venire for summoning before him a jury of twelve disaster.

interested men of the neighborhood, to be selected by the justice, or such less number as the parties may agree upon, and such jury, after having taken an oath faithfully and impartially to assess the damages, if any, duly considering the advantages and disadvantages of said road to said owner, and shall make report thereon to said justice, whereupon he shall enter judgment thereon, and the costs shall be awarded for or against either party, at the discretion of the jury; and in case an appeal is taken, said company may take possession of said materials and use the same immediately, on tendering the sum assessed therefor, if any, notwithstanding the pendency of said appeal.

Sec. 12. If said road after its completion, or any part thereof, shall be suffered to be out of repair so as to be impassable for the space of one year, unless when the same is repairing, this charter shall be considered as forfeited; and if said company shall suffer said road to be out of repair to the hindrance and delay of travelers for an unreasonable length of time, they shall have no right to

collect tolls thereon until the same is repaired.

Sec. 13. Whenever five miles of said road shall be completed. a gate may be erected thereon, but no gate shall be within five miles of any other on the same road belonging to this company, and tolls may be charged at such gates for every ten miles of travel thereon, and in proportion for any greater or less distance, as follows: For every four-wheel carriage, wagon, or other vehicle drawn by one horse or other animal, not exceeding fifteen cents; for every horse or other animal in addition five cents; for every cart. chaise, or other two-wheel carriage, drawn by one horse, ten cents; for every horse or other animal in addition five cents; for every sled or sleigh, drawn by one horse or other animal, five cents; and for every horse or [other] animal in addition five cents; for every horse and rider five cents; for every horse or mule six months old and upwards, led or driven, not exceeding three cents; for every head of neat cattle, six months old and upwards, not exceeding two cents; and for each hog or sheep one cent: Provided, That all persons going to or returning from public worship, and all funeral processions, shall pass free of toll.

Sec. 14. If any person or persons using any part of said road, shall, with intent or view to defraud said company, pass through any private gate or bars, or along any other ground near said road to avoid any toll gate, or shall practice any fraudulent means to lessen or avoid the payment of any such toll, each and every person concerned in such fraudulent practice shall for every such offence forfeit and pay to said company the sum of five dollars, which shall be recovered without any stay of execution in an action of debt, in the name of said corporation, before any justice of the peace in Wayne county: *Provided*, That nothing herein contained shall prevent persons residing on said road from passing thereon between gates about their premises for common and ordinary busi-

ness.

SEC. 15. Said company shall put up a post or stone at the end of every mile with the number of miles fairly cut or painted there. on, and also in a conspicuous place near each toll gate shall be placed a board, with the rates of toll fairly painted thereon.

Sec. 16. If any toll-gatherer shall unnecessarily detain any traveler after the toll has been paid or tendered, or shall demand or receive greater toll than is allowed by this act, he shall for such offence be fined in any sum not exceeding fifty dollars, on indictment or presentment before any court of competent jurisdiction.

Sec. 17. The books of said company shall always be open to the inspection of any agent appointed by the State or the com-

missioners of Wayne county.

Sec. 18. This act shall be taken and deemed to be a public act, and shall be favorably construed for the purpose intended, and shall take effect and be in full force from and after its passage.

#### CHAPTER CCLXXV.

An Act to incorporate the Ohio, Indiana, and Lake Michigan Railroad Company.

#### [APPROVED JANUARY 17, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Allen Hamilton, Hugh McCulloch, T. P. Randall, Samuel Hanna, Pliny Hoagland, and Jesse L. Williams, of Allen county, Ezekiel Morrison, Chauncey B. Blair, Andrew L. Osborn, and Henry Lusk, of Laporte county, be and they are hereby appointed commissioners to open books at suitable places in the State of Indiana and elsewhere, for subscriptions to the capital stock of a company to be called the "Ohio, Indiana, and Lake Michigan Railroad Company," at any time within four years from the passage of this act: Provided, Said commissioners, or a majority of them, shall give three weeks' notice of the time and place of opening said books by publication in one or more newspapers published nearest to the contemplated line of said road.

Sec. 2. Said commissioners shall determine at what point or points, books shall be opened, and the length of time they shall be continued open at each point, for the subscription of stock to said company.

SEC. 3. The stock of said company to be subscribed may consist in lands, money, labor, or materials for the construction of said railroad, and whenever twenty thousand dollars shall have been subscribed as stock in said company, in addition to any real estate

subscribed, and the sum of five thousand dollars thereof shall have been paid to said commissioners, it shall be their duty to order an election for directors of said company, to be held at some convenient place, at such time as they shall designate, giving at least twenty days' notice thereof in one or more newspapers published nearest the line of said contemplated work.

Sec. 4. Said commissioners or a majority of them shall attend said election and preside over the same, and shall also determine what number of votes each stockholder shall be entitled to give at said election, and shall open a poll and receive the [votes] between the hours of 10 o'clock, A. M., and 4 o'clock, P. M., of said day, and after the voting shall have closed shall immediately open and count the ballots, and shall disclose the number of votes cast, the number received by each individual voted for, and who have been duly elected directors.

Sec. 5. The directors of said company shall be fifteen in number, eight of whom shall at all times constitute a board for the transaction of business, in the absence of others, and the acts of a majority of said board when assembled shall be binding on said company; all vacancies occurring in said board shall be filled by a majority of said directors, and the person by said board appointed shall serve until a new board shall have been chosen and qualified: Provided, however, That no person shall be eligible to hold the office of director who is net a stockholder in said company; and every director chosen shall serve as such until his successor is chosen and qualified.

Sec. 6. At all elections after the first, each stockholder shall be entitled to such number of votes as the company by their by-laws may determine; *Provided*, No stockholders shall be entitled to more than fifty votes, and said votes shall be cast in person or by proxy appointed in writing and signed by such stockholder, and no stockholder shall be entitled to vote after the first election, unless the stock by which he claims to vote shall have been held by him at least six months prior to such election, and no president, director, or other officer of said company shall vote at any election of directors as agent, attorney, or proxy for any stockholder.

Sec. 7. The board of directors first chosen according to the provisions of this act shall meet at such time and place as a majority of the commissioners aforesaid may designate, whose duty it shall be to give said directors notice thereof, within thirty days after such election, at which meeting it shall be the duty of said directors to appoint one of their number as president of said board and they shall also appoint a secretary and treasurer of said company, whose duties, terms of service, and compensation, shall from time to time be regulated by said board.

SEC. 8. Said board of directors shall at their first or some subsequent meeting at an early day, fix the time for the next annual election of directors not more than one year from the time of such meeting, and all subsequent elections for directors shall be held annually thereafter, and shall be conducted in such manner as the board may prescribe.

Sec. 2. One month's notice of the election of directors at each annual election shall be given by publication in one or more newspapers published nearest to the place of holding said election.

Sec. 10. Each board of directors shall continue in office for the term of one year and until a new board is chosen and qualified, and in case any annual election shall not be held for directors on the proper day for holding the same, it shall be held at some early day thereafter to be fixed and appointed by the directors then in office, giving the same notice thereof as required to be given for elec-

tions regularly held.

Sec. 11. The aforesaid commissioners, as soon as the first board of directors of said company shall have been organized, or within ten days thereafter, shall deliver over to the said board the subscription book of stock, and shall pay over to the order of the said board all of said moneys or property received by them on such subscriptions, and in case any one or more of said commissioners shall fail, neglect, or refuse to do so, or shall have wilfully used any of said money, or destroyed or conceaied any of said books with intent to defraud said company, or any stockholder or stockholders thereof, such commissioner or commissioners so offending shall upon conviction thereof, by presentment or indictment, be fined in any sum not exceeding ten thousand dollars and be imprisoned at hard labor in the State prison for any term of time not exceeding ten nor less than one year.

Sec. 12. The board of directors of said company shall have power to supply vacancies in the office of president, secretary, and treasurer of said company; to meet from time to time as often as may be thought expedient; to adjourn from time to time as they may think necessary; to adopt and establish such rules and regulations. and make such by-laws, as in their judgment the business of the company may require, and are necessary for the better organization of the company, and to enable them to do and perform their duties, and to carry out the designs of the powers granted by this act, and by the by-laws of said company; to alter and amend at pleasure as by said board may be found necessary; to appoint all subordinate officers, engineers, artists, agents, and workmen, that may be necessary to carry out the objects of said company; to demand at such time and in such proportion as they shall see fit, the sums of money due by stockholders on their respective money subscriptions of stock, under pain of forfeiture to the company of the shares of their stock, and all previous payments thereon, or of such other penalty as may be prescribed by the by-laws of said company, or to sue therefor and recover the amount due in action of debt or assumpsit in any court of competent jurisdiction; to issue proper certificates of stock to the stockholders, and to determine in what manner and under what restrictions the shares of stock shall be transferable; to fix the compensation and prescribe the duties of the several officers and agents in the employ of the company; to require such bonds, obligations, and securities from the treasurer, secretary, and other officers of the company as may be deemed necessary; to open, and continue open as long

as necessary, books for the subscription of stock in said company; to acquire, purchase, sell, lease, and dispose of real estate for the use of the company for the purposes and in the manner hereinafter described: to decide upon all locations of the road hereinafter mentioned, and establish, and construct depots, toll-houses, offices, warehouses, machine shops, and all necessary structures, fixtures, machinery, and apparatus; to order and cause to be made all estimates, surveys, and lettings of work at such times and places as they may determine; to prescribe such forms of contracts, rules, and regulations, and specifications for the performance of the work as they may judge proper; to enter upon and take possession of any land that may be necessary for the construction of said road, and to make the same available; to regulate the time and manner in which all cars, and railroad vehicles, travel, and property, shall pass on said road; to make, and construct, and to keep in constant repair said road; to establish and collect tolls for the transportation of persons and property on said road; to make and declare dividends of profits and income of said road and its appurtenances among the stockholders at such times as they may deem expedient; and do all other necessary and proper acts in accordance with this act according to its true intent and meaning.

SEC. 13. The said directors, when elected, and their successors in office, are hereby constituted a body corporate and politic by the name and style of the "President and Directors of the Ohio, Indiana, and Lake Michigan Railroad Company," and by such name may sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity, in any court of competent jurisdiction within this [State,] and may make and adopt a common seal, and the

same may alter at pleasure.

Sec. 14. The capital stock of said company shall be one million of dollars, which may be increased at the pleasure of said company from time to time, as the interest of said company may require in the prosecution of the work or in making necessary repairs thereto.

Sec. 15. The company shall have power to call for such portions of the stock subscribed not exceeding five dollars on each share, in any one year, (unless it shall become absolutely necessary to collect a greater amount to enable said company to procure materials or laborers for the prosecution of the work,) the same to be paid at such time and place as the board may designate, of which said board shall give at least sixty days notice in some newspaper published at or nearest the place where the same shall be made payable, or by written notice given to the stockholders, in which shall be specified the amount demanded on each share and the time and place of payment.

SEC. 16. As soon as the sum of thirty thousand dollars is subscribed in stock and the sum of ten thousand dollars actually paid in, said company, by its agent, shall have full power, from time to time, to examine, survey, locate, and construct a railroad of a single or double track as they may deem most expedient; commencing

on the line dividing the States of Ohio and Indiana, at or near a point on a direct line from the town of Benton, in Harden county, Ohio, to Fort Wayne, in Allen county, Indiana, thence from said point to said Fort Wayne, thence upon the best ground and in such direction as the interest of said company may require it, to the village of Laporte, in Laporte county, Indiana, and shall be completed in continuous sections from the point of commencement.

Sec. 17. For the purpose of making such examination, survey, and location, it shall be lawful for said company by their agents or persons in their employ to enter upon any land to make surveys and estimates or search for stone, gravel, wood, or other material neces-

sary for the construction of said road.

Sec. 18. It shall be lawful for said company, either before or after the location of any section of said road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction or location of said road, as also the stone, gravel, and other materials, and also to receive by donations, gifts, grants, and bequests, land money, labor, property, stone, gravel, timber, or other materials for the benefit of said company, and all such contracts, relinquishments, donations, gifts, grants, and bequests made and entered into in writing by any person or persons capable of contracting, made in consideration of such location or construction of said road for the benefit of the company shall be binding and obligatory, and said company may have their action at law or in chancery in any court of competent jurisdiction to compel the performance of the same.

Sec. 19. In all cases when any person through whose land the road may run, shall refuse to relinquish the same, or when a contract cannot be made for such relinquishment, or for stone, gravel, timber, or other materials necessary for the construction of said road, it shall be lawful for said company to give notice to some disinterested justice of the peace of the county where the difficulty may occur that such facts do exist, whereupon said justice of the peace shall cause the owner of such land or materials to be summoned to appear before him on some particular day in said summons specified or within the tens days thereafter, and shall also cause to be summoned twelve disinterested persons of the neighborhood, who shall, after taking an oath to be administered by said justice, faithfully and impartially upon view to assess the damages, if any, resulting to the lands or materials, taking into consideration the advantages as well as disadvantages, the road may be to the owner or owners of such land or materials, and shall report thereon whether the owner thereof is entitled to damages or not, and if any, to what amount, and shall file such report in writing with said justice, whereupon, said justice shall render judgment thereon, unless for good cause shown to the contrary, and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises either with or without costs; Provided, that either party may appeal at any stage of the proceeeings, to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers, as above directed, who shall report at that or the succeeding term, in the discretion of the court and the judgment of said court shall be final thereon, and shall vest in said company the right of way through or over said land and the right to take and apply the timber, stone, gravel, or other materials for the construction; and in case judgment shall be rendered in said court in favor of the owner for damages, the same shall become a lien upon the property and stock of said company from the date of its rendition.

Sec. 20. If it should be found necessary and advantageous to the location and construction of said road, said company shall have the right to lay the same along and upon any State or county road; *Provided*, *however*, that said company shall leave a sufficiency of such State or county road in as good repair for common

use as previous to such occupation by said company.

Sec. 21. When said company shall have procured the right of way, as hereinbefore provided; they shall be seized in fee simple of the right to said land and shall have the sole use and occupation of the same and no person, body corporate or politic shall, in any way interfere therewith or molest, disturb, or injure any of the privileges hereby granted so as to detract from or affect the profits

of said corportion.

Sec. 22. The company shall commence the construction of said road within five years after books shall have been opened for the subscription of stock; and shall complete the same within twenty years thereafter from its commencement; Provided, that if the same should not be completed within the time aforesaid, the legislature may give further time for its completion; Provided, also, if any part of said road shall be completed within the time aforesaid, in that case all the rights, privileges, [and] benefits granted in this act, shall be extended and vested in said company, to such part of said road as may be completed.

Sec. 23. Said company may construct said road with all the necessary turns, gates, bridges, viaducts, culverts, toll and warehouses that may be necessary for the interests of the company and convenience of the public, and may charge tolls or freight on such part of said road as may be suitable for use, although the whole be not finished.

SEC. 24. It shall be the duty of the board of directors to make semi-annual dividends of the profits amongst the several stockholders on the amount subscribed and actually paid in; but the same shall not be paid over to said stockholders, and shall be entered on the proper books of said company to the credit of said stockholders and shall be considered as a payment on said stock until the amount subscribed, (if required for the construction of said work,) is fully paid, and all the profits of said road shall be applied to the payment of the debts of said company, (except what may be neces-

sary to pay the ordinary expenses of said company and to keep said road in repair,) until all the debts are fully paid; after which dividend shall be made upon the amount of stock paid in, and after deducting the necessary expenses, the balance shall be paid over to the respective stockholders in proportion to their respective shares of stock by them paid in.

Sec. 25. Said stock shall be divided into shares of twenty-five dollars each; and in case more shares should be subscribed than is necessary for the completion of the road, the board of directors shall have the power to decrease the number of shares and amount of stock by taking from their books, such amount from the stock of those who have the largest amount, so as to place the stockholders as near upon an equality as possible, in point of interest in said company; and in case such surplus stock has been paid in by the stockholders, the amount so deducted, shall be refunded to him or them by said company.

Sec. 26. Said board of directors shall have a public office on or near the route of said road, and shall keep a fair journal of all their proceedings and a just and full account of the capital stock and property of every description and of all moneys received from every source whatever, and of all moneys disbursed, which shall be entered in full on said books, which shall be open to the inspection of the stockholder, to any agent, attorney or committee, which the legislature may appoint at any time to examine the books of said

company.

Sec. 27. It shall be lawful for said company to acquire, hold, and convey real estate for the following purposes: Frst, such as may be taken in subscription of stock; second, such as may be necessary for the accommodation and transaction of the business of said company; third, such as may be mortgaged in good faith, by way of security, for money due said company; fourth, such as shall be conveyed to said company in satisfaction of debts contracted in the course of the necessary dealings of the company; fifth, such as may be purchased at sales under judgments or decrees rendered in its favor.

Sec. 28. All conveyances, leases, and transfers of real estate to and from said company, shall be in the corporate name of said company, and all conveyances, leases, and titles from said company, shall be sealed with the seal of said company, signed by the Presi-

dent and countersigned by the secretary thereof.

Sec. 29. Lists of the rates of tolls and freight for the transportation of merchandise, lumber, stock, and passengers, when established by the directors, shall be made out by the secretary and posted up in the office of the board of directors, and each of the depots and principal business places, cars, and warehouses of said company; and no higher shall be charged or taken by said company, or any officer thereof, unless the same shall have been allowed by the board of directors and posted up as aforesaid.

Sec. 30. Every person subscribing real estate for stock in said

company, shall state in writing, the place of his residence, the description and quantity of the land by him subscribed, the county in which the land is situated, together with an abstract of his title, and shall, also, accompany the same with certificates of the clerk and recorder of the county in which said land lies, that there is no judgment, mortgage, or lien of record or otherwise in either of their offices, by which said land is in anywise encumbered; for which certificates the clerk and recorder shall be allowed ten cents each, to be paid by such subscriber of stock, and he shall also make and file his affidavit with said board, that he is the owner in fee simple of said land, and that the same is free and clear from judgment, lien, or any encumbrance of any kind, whatever, to the best of his knowledge and belief, and no real estate shall be taken for stock that does not lie in the State.

Sec. 31. The board of directors, at any time after the subscription of real estate as stock, may give notice to those who have made such subscription of stock to deposite their title papers for such land in the recorder's office of such county, as said board shall desginate, and upon doing so, shall take from such recorder, duplicate receipts therefor, one of which he shall, within thirty days after receiving said notice, file and deposite with said board of di-

rectors and the other be retained by such subscriber.

Sec. 32. Said board shall cause an accurate list of all lands which may be so subscribed, to be made out and recorded in a book of said company, to be kept for that purpose, and shall thereupon, give notice to the boards of commissioners of the counties through which said road may pass in this State, that said lands are ready for appraisement, whereupon it shall be and is hereby made the duty of the board of commissioners of each of said counties, at the next regular or called meeting for that purpose to appoint one good, reputable freeholder of their county as an appraiser, and to make out and deliver to him a written certificate of such appointment, which persons thus appointed, shall constitute the board of appraisers of said lands, said appraiser, before entering upon the discharge of his duties, shall take an oath before some officer competent to administer the same faithfully and impartially, and to the best of his ability, to discharge his duty as appraiser of said lands, which said oath shall be endorsed on the back of his certificate of appointment by the officer administering the same and subscribed by such appraiser, and by him deposited with the directors of said

Sec. 33. As soon as the aforesaid certificate of appointment and qualification of said appraisers are filed with said board of directors, they shall cause a list of said lands together with the abstracts of title furnished by said subscribers to be made out and delivered.

to said appraisers.

Sec. 34. Said appraisers shall shall record in a book to be furnished them for that purpose by said board, the authority by which they act, and the oath endorsed on the same, and shall proceed

forthwith to examine the title of such subscribers to the lands as subscribed, and if satisfied of the validity and correctness of the same shall, upon view, appraise said lands at their fair cash value, at the time of such valuation, and shall enter in the books aforesaid, the description and quantity thereof, the amount per acre at which it is appraised, the name of the owner, and place of residence, and when the whole is completed, the same shall be signed by said appraisers or any two of them, and by them deposited with the board of directors to be by them safely kept.

Sec. 35. As soon as said appraisement is completed and filed with said board of directors as aforesaid, the secretary of the board shall give written notice to each of said subscribers, of the value at which his or her lands thus subscribed, has been appraised.

Sec. 36. Each of said subscribers shall, within twenty days after receiving such notice, severally convey all his or her interest, claim, and title in and to said land, by good and sufficient deed or deeds to the president and directors of said company, for the use of said company, to be disposed of in the manner and for the purposes specified in this act.

Sec. 37. If any such subscriber or subscribers shall fail or refuse to convey as aforesaid, or otherwise secure the stock to the amount of said appraised value, he or they shall be bound to pay all costs and expenses of said land, and when the amount is truly made out and presented to him by the treasurer of said company, or any other authorized agent thereof, if he shall fail or refuse to pay the same on demand, the same may be recovered by said company in an action of debt or assumpsit, together with ten per centum damages thereon and costs.

Sec. 38. As soon as any subscriber shall have executed a conveyance as above provided, the title papers deposited with the recorder as above required, shall be delivered over to the board of directors, and if any subscriber shall fail to convey as hereinbefore required, the facts shall be certified by the secretary of the board to the proper recorder, as soon as such subscriber or subscribers have paid the costs and expenses required to be paid by him in the preceding section, and the said recorder shall then return to such subscriber or subscribers, the title papers aforesaid, upon payment to such recorder by such subscriber or subscribers of ten cents on each tract of land subscribed as aforesaid, and it is hereby made the duty of the recorders selected by said board, to receive and preserve said title papers to be disposed of as herein required.

Sec. 39. As soon as the board shall have received proper conveyances of the lands subscribed, they shall cause a correct list of the same to be made out and recorded in a book to be kept for that purpose, which shall be open for the inspection of any who may be interested therein, or who may desire to purchase said lands or any part thereof.

Sec. 40. As soon as the requisite conveyances shall be perfected of the real estate stock of said company, the board of directors

shall issue certificates of stock to the subscribers thereof, to the amount of the appraised value of said real estate.

Sec. 41. The land thus subscribed and coveyed, shall be subject to taxation as the property of said company as other lands, but the stock based thereon, shall not be subject to taxation until the lands are conveyed away by said company, and until it is thus conveyed, the person owning said stock, shall pay on demand, to said company, the amount of tax assessed on such land against said company, and on failure to pay the same, it may be collected as other dues are collected by said company, by action of debt or assumpsit, together with ten per centum damages thereon, and costs.

Sec. 42. The stock of said company, other than, as before provided, subscribed and actually paid in, shall be subject to taxation as other property, and shall be assessed and collected in the several counties through which said road is located, in proportion to the distance said road may run through said counties.

Sec. 43. All the stock of said company shall be considered personal property, and may be sold on execution issued against any member or stockholder, to the amount of his stock, as other personal property, and transferred on the books of the company by the officer selling the same in the same manner that the same could be done by the owner thereof; and when such transfer shall have been legally made, if the execution defendant shall refuse to transfer and deliver the certificate of stock to such purchaser, it shall be lawful for the board of directors to make out and deliver to such purchaser a new certificate thereof, stating therein the sale and transfer by such officer as aforesaid.

Sec. 44. When any real estate shall have been subscribed as stock, and conveyed as provided in this act, the board of directors may issue from time to time on such real estate in payment for labor, materials, or any other matter or thing, for the use or benefit of said company, and the amount of loans of denominations not less than twenty dollars, equal in all to the appraised value of such real estate so conveyed as aforesaid, specified in such bonds the amount for which it is issued, and that the same is receivable in the entry and payment of lands held as stock by said company according to the provisions of this act: Nothing, however, herein contained, shall be so construed as to confer on said company any banking privileges.

Sec. 45. Said bonds shall be signed by the president of the board, and attested by the secretary, and before paid out and put into circulation by said company shall be properly registered in a book to be provided for that purpose, setting out the date, amount, and number thereof, and to whom payable, and whenever an amount shall have been issued equal to the appraised value of the lands subscribed as aforesaid, no other nor greater amount shall be issued by said company for any purpose whatever; and all bonds so issued shall constitute a lien in the hands of the holders thereof upon every part and parcel of such real estate subscribed and conveyed

as aforesaid, except such parts and parcels thereof as may have been, and thereafter shall be, entered and paid for according to the provisions of this act, and such lien shall have preference over all debts, judgments, mortgages, and other liens of whatever character, against said company.

Sec. 46. If any officer or member of said company shall issue or put into circulation any of said bonds, except as authorized by this act, he shall be deemed guilty of forgery, and upon conviction thereof, shall be imprisoned at hard labor in the State prison for not

more than seven, nor less than one year.

Sec. 47. The board of directors shall hold the several tracts or parcels of land subscribed as stock, subject to entry by the person or persons who subscribed the same, or their heirs or assigns, for the term of four years after the issue of the first bonds, and shall receive in payment for the same, any bonds issued as aforesaid, and, in case the same, or any part thereof, should not be paid for in said bonds, the money received shall be set apart for the redemption of said bonds and for no other purpose whatever.

Sec. 48. At the expiration of four years after the issuing of the first bonds as aforesaid, in case all the lands subscribed in stock shall not have been entered by the persons by whom the same was subscribed, said board may order the same to be sold at public sale, (if they should deem it for the interest of said company so to do,) by giving at least twenty days notice of the time and place of such sale by advertisement in some public newspaper, printed nearest where said land is to be sold: *Provided*, *however*, No such land shall be sold for a less price than its appraised value, as stock in

said company.

Sec. 49. If said board of directors should deem it not expedient to have said land sold, nor offered for sale, as above provided for, within three months after the expiration of said four years, or in case any should remain unsold after said sale, the same may be entered and paid for in said bonds by any person applying at the office of said board, paying the treasurer of said board an amount of said bonds equal to the appraised value of said land; and upon presenting the treasurer's receipt, it shall be the duty of the president and secretary to execute and deliver to such purchaser a good and sufficient deed for such tract or tracts of land so entered as aforesaid, which said deed shall vest in such grantee or purchaser, his heirs and assigns forever, the fee simple of such land.

Sec. 50. The secretary and treasurer of said board shall discharge the duties and make the same entries in the books of said company prepared for that purpose, that are required to be made by the registers and receivers of the United States land offices, the secretary performing those of register, the treasurer those of re-

ceiver.

Sec. 51. In case the bonds issued by said company shall not all be redeemed by the entry and sale of said lands, the money received for the land shall be set apart for the redemption of the residue thereof, and shall not be applied to any other purpose until the whole is redeemed, or until the board shall have given at least sixty days notice to the holders of such bonds to present the same for redemption, which notice shall be published at least twice in some weekly newspaper, published nearest to the office of said board.

Sec. 52. As such bonds are received by said [company] in payment of lands or otherwise, they shall cause a record of numbers, dates and amount thereof, to be made in a book to be kept for that purpose, and the same shall be safely kept until the next regular meeting of said board after it has been received, when the same shall be cancelled and burned, or otherwise destroyed, by said board.

Sec. 53. Said president, treasurer, secretary, and such other officers as may be required by the by-laws to do so, shall each take an oath faithfully, diligently, and honestly to discharge their respective duties, a copy of which oath, properly certified by the officer administering the same, shall be filed in the office of said board previous to said officers' entering upon the discharge of their duties.

Sec. 54. It shall not be necessary for the whole amount of the capital stock to be subscribed before the directors of said company may proceed to let or put under contract the whole or any part of said work; but they shall at no time put under contract an amount of work exceeding in cost the amount of stock subscribed according to the estimate of the engineers employed in locating and estimating said work.

Sec. 55. It shall be lawful for said directors to appoint one or more agents to open books for the subscription of stock in any one or more States, as they may deem proper, which said stock shall beheld and applied by said company as other stocks, and subject to

all the provisions of this act.

Sec. 56. It shall be lawful for any county in this State to take and subscribe stock in this company, and for that purpose the several boards doing county business are hereby authorized to subscribe the same, and to levy a tax for county purposes not exceeding one dollar on every hundred dollars valuation of property assessed, to be applied to such object, and the county thus subscribing shall hold such stock as individual stock is held in said company.

Sec. 57. At any time after the expiration of sixty years, the State reserves the right to purchase said road by paying said company the entire cost of constructing said road, and keeping the

same in repair, with six per cent. interest thereon.

SEC. 58. This act may be at any time altered or amended at the request of said company, upon the application of the president and directors thereof.

SEC. 59. This act shall take effect and be in force from and after its passage, and taken and deemed a public act, and shall be liberally construed.

### CHAPTER CCLXXVI.

An Act to locate a State road in the counties of White, Jasper, and Tippecanoe.

#### [APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel McCormick, of the county of Tippecanoe, be and he is hereby appointed a commissioner to view, mark, and locate a State road, commencing at the road running from Rensselaer, in Jasper county, to Williamsport in Warren county, at or near the dwelling house of John Jordan, running thence by the nearest and best route to or near the dwelling house of William Jordan, at the head of Pine creek in White county, from thence by the nearest and best route to the mouth of a certain lane dividing the lands of John Clark and John Hains in said county of Tippecanoe, from thence by the nearest and best route to the Wabash river, opposite the town of Lafayette.

SEC. 2. Said commissioner after having taken an oath before some justice of the peace, faithfully and impartially to discharge his duty as such commissioner, shall proceed to view and locate said road agreeably to the points and courses designated in the first sec-

tion of this act.

SEC. 3. The said said commissioner shall within thirty days after he shall have located said road as aforesaid, report to the county auditors of said counties of Jasper, White, and Tipecanoe, so much of said road as may be located in the respective counties of said auditors, which report shall contain the width and bearing distance of such location, and shall be laid before the respective county boards in said county [counties,] at their next session thereafter; and said county boards shall severally cause such report when so made and laid before them, to be read and recorded, and the confirmation and opening of such road shall be continued until the next succeeding term of such boards.

Sec. 4. Should any person feel aggrieved by the location of such road, or should the county board of any of said counties be satisfied that the public convenience requires that the location of any portion of such road should be changed, it shall be lawful for such board to cause a review of the same to be had in the same manner in every respect, as viewers of county roads are now granted and regulated by law: Provided, That no such review be granted without the written application of at least twenty-four freeholders of the proper county, filed prior to the term to which the confirmation of said first location shall have been made; Provided, however, That if the county commissioners in the said counties of White or Jasper believe the road herein contemplated will not be of public utility in either the counties of White or Jasper, and so decide in their official

capacity, then and in that case the said road shall not be laid out and established in said counties as herein contemplated.

Sec. 5. Should no objections be made as above cotemplated to the location of said road, or any portion thereof, by said commissioners, the several county boards [aforesaid] shall at the time [term] to which such confirmation has been continued, approve and confirm said location, and order such portion of said road as lies within their respective counties to be opened.

Sec. 6. The boards of commissioners in the several counties above named, shall make said commissioner a reasonable allowance for his services and expenses in this behalf, each county paying its

proportion according to distance.

Sec. 7. This act to be in force from and after its passage.

#### CHAPTER CCLXXVII.

An Act to incorporate the Richmond and Middleborough Turnpike Company

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Enos Thomas, Isaac Cook, John Reed, Griffith Mendenhall, Henry Jay, Cyrus Wright, Fredrick Hoover, Hugh Moffitt, and D. P. Holloway, all of the county of Wayne and State of Indiana, and their successors in office duly elected as herein after directed, [be] and are hereby constituted and appointed a body corporate and politic, and by the name and style of the Richmond and Middleborough Turnpike Company, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever, to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said corporation shall be twenty thousand dollars, divided into shares of twenty-five dollars each, with power to increase the capital stock if necessary, to accomplish the objects herein contemplated, and said company shall have full authority to receive said subscriptions of stock in labor or materials

for the construction of said road.

SEC. 3. Said company shall have power to mark out, make, and construct a turnpike road from the city of Richmond to Middleborough in Wayne county, and for that purpose all the provisions of a law passed at the present session of the General Assembly, entitled, "an act to incorporate the Richmond and Newport Turnpike Company," approved January 5, 1849, be and the same are hereby made a part and parcel of this charter, and said Richmond and Middleborough Turnpike Company shall have all the privileges and benefits confered by said charter, on the Richmond and Newport Turnpike Company, so far as the same may be applicable to the objects of said company.

SEC. 4. This act to be in force from and after its passage.

#### CHAPTER CCLXXVIII.

An Act to amend the charter of the Jeffersonville Association.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the term of the charter of the Jeffersonville Association, be and it is hereby extended for the term of one year; Provided, That the company is restricted to the settlement of its business during said period.

#### CHAPTER CCLXXIX.

An Act to incorporate the Indianapolis and Danville Railroad Company.

#### (APPROVED JANUARY 15, 1849.)

Section. 1. Be it enacted by the General Assembly of the State of Indiana, That Simon F. Hadley, James M. Gregg, Christian C. Nave, Thomas Nichols, Harlan Carter, Abraham Hardin, and James L. Hogin, of the county of Hendricks and State of Indiana, and their successors in office duly elected as herein provided, are hereby constituted a body corporate and politic, by the name of the president and directors of the Indianapolis and Danville Railroad Company, and by such name shall be capable to sue and be sued, plead and

be impleaded, answer and be answered unto, either in law or equity in any court of competent jurisdiction within this State; and shall have power to make and use a common seal, and the same to alter at pleasure, and to make contracts and enforce the same, and to establish and put in force such by-laws, rules, and regulations as may be necessary to carry into effect the provisions of this act, not inconsistent with the constitution and laws of this State and of the United States.

Sec. 2. The capital stock of said company shall be two hundred thousand dollars, to be divided into shares of fifty dollars each.

SEC. 3. As soon as ten thousand dollars are subscribed for, and one dollar is paid on each share, it shall be the duty of the corporation to give three weeks notice thereof in one or more newspapers; and in such notice to appoint a time and place for the stockholders to meet and elect seven directors who shall be stockholders, and said election shall be conducted by judges, appointed by the stockholders present, and the persons having a plurality of votes given and counted in public shall be declared duly elected; no share shall confer a right to vote at any election unless the same shall have been held one month previous to the election; in all elections one share shall entitle the holder to one vote, and votes may be given by the persons owning the same, or by one of any partners, or by the husband, father, mother, administrator, or executor, trustee or guardian, or by the authorized agent of any corporation, State, or of the United States, or any person having a right to vote may vote by proxy.

Sec. 4. The corporation by their agents shall have full power from time to time to examine, survey, locate and contract [construct] a railroad of a single or double track, commencing at some point within one half mile of the public square in the town of Danville, in the county of Hendricks and State of Indiana, and running on the best ground for the interest of the company and the public convenience, eastwardly to the city of Indianapolis, in Marion county.

SEC. 5. Sections three, four, five, six, eight, nine, ten, eleven, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five, of an act entitled, "an act to incorporate the Terre Haute and Richmond Railroad Company," approved January 26th 1847, are hereby declared to form and constitute a part of this act, and all the rights, privileges, and powers by said sections conferred upon the said Terre Haute and Richmond Railroad Company, shall also, [be] and are hereby conferred upon the said Indianapolis and Danville Railroad Company hereby incorporated.

Sec. 6. The directors of said company shall have power to determine at what point the construction of said road shall be commenced, and also what portion of said road shall be put under contract at any one time.

SEC. 7. The directors of said company that shall contract any

debts over and above the amount of good and solvent stock subscribed, shall be individually liable for the payment of such excess.

Sec. 8. This act shall be deemed and taken to be a public act, and shall be in force from and after its passage.

#### CHAPTER CCLXXX.

An act to incorporate the Northern Indiana Plank Road Company.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel P. Williams, Harvey W. Wood, Samuel Bunnell, Peter Beisel, William Martin, and Samuel G. Burnside, of Lagrange county, and Enos Beall, Alexander Chapin, Theron Stoors. William A. Bliss, and Jeremiah Tilletson, of Steuben county, and their successors in office, duly elected as hereinafter provided, are hereby constituted a body politic and corporate, and by the name and style of "the Northern Indiana Plank Road Company," and shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto. in any and all courts of justice whatever, to make and use a common seal, and the same [to] alter, and change, or renew at pleasure: and shall be able and capable in law to make contracts and enforce the same; and to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

Sec. 2. The capital stock of said county [company] shall be fifty thousand dollars, divided into shares of twenty-five dollars each, with power to increase the capital stock, if necessary to accomplish

the object herein contemplated.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization, a majority of said board shall be a quorum to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect the provisions of this act; and they shall keep a journal of their proceeding, in which shall be entered all by-laws, and regulations, and orders for the payment of such allowances as may be made to their

officers, and all others in their employment, which journal and proceedings shall from time to time be signed by their president; they shall sit upon their own adjournments or on the call of the president; when the president is absent they may appoint a president, pro tempore; and shall fill all vacancies that may occur in their body.

Sec. 5. The corporation shall cause books to be open for subscription to the capital stock, at such time and at such places as they may choose, due notice of which shall be given, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in labor, materials, land or money, in such manner, and at such times, and in such proportions, as the president and directors of the Northern Indiana Plank Road Company may direct, the value of all subscriptions other than cash, to be settled by the board of directors, to be appraised at what the board shall consider their actual cash value at the time of payment. Witness

our hands and seal this — day of —, A. D. 18.

loan may be obtained.

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of the United States on behalf of the same, for the commissioners of any county, the mayor and common council of any city, and the trustees of any town or village in the United States, to subscribe for any amount of capital stock in said company; and the books for the subscription of stock shall be kept open in such place or places within the State of Indiana, or in any other State, and for such periods of time as the corporation may direct; and for the purpose of raising money to complete the road contemplated by this charter, or any part thereof, the said corporation shall have power to borrow money, either by mortgage of the road, or in any other manner that may be agreed upon between the corporation and the party and parties of whom the

Sec. 7. As soon as one hundred shares are subscribed it shall be the duty of the corporation to give three weeks' notice thereof in the nearest newspaper printed in the vicinity of said contemplated road, and in such notice to appoint a time and place for the stockholders to meet and appoint nine directors, who shall be stockholders and citizens of the State, which election shall be held within three months after the last share of the one hundred shares shall be subscribed for, and shall be conducted by three judges appointed by the stockholders present, and the persons having a plurality of the votes given and counted in public, shall be declared duly elected: no share shall give to the owner a right to vote at any election, after the first election, unless the same shall be held one month previous to the election; in all elections one share shall entitle the owner to one vote only; and votes shall be given by persons holding the same, or by one of any partners, or by the husband, father, mother. executor, or administrator, trustee, or guardian, or by the authorized agent of any corporation, State, United States, city, village, and [or]

town, or any person having a right to vote may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president; and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organized

Sec. 9. All elections after the first shall be held on the first Tuesday of December annually, at such hour and place as the directors may direct, three weeks' notice of which shall be given by publication in a newspaper printed and published in the vicinity of the contemplated road; the judges of all elections shall be three in number, they shall, after the first election, be appointed by the board of directors, and shall be stockholders, but not directors, at the time of election; and it shall be the duty of the said judges, after the result of said election shall be known, to furnish the directors elect with a certificate of their election, which certificate shall be evidence of their right to act as such directors; the number of directors shall be nine, a majority of which shall be a quorum to transact business: Provided, That if from any cause whatever there shall be no election held on the day appointed, it shall be lawful to hold the election on any other day to be chosen by the directors.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held, they shall be signed by the president and countersigned by the clerk; stock shall be transferable on the books of the corporation only personally, or by an agent, or attorney, or by the administrator, executor, trustees, or guardians, but the corporation shall have a lien upon such stock for all sums due or to become due, from the stockholder to the corporation, either for subscription of stock or upon any contract made

prior to such transfer.

Sec. 11. The corporation shall have power to call for such part of the stock subscribed as may seem to them necessary to carry on the work, to be paid by the stockholders in such materials, land, labor. or money, as shall have been designated by the party subscribing for such stock, to be paid at such time and place as the board of directors may designate, by giving sixty days' notice in one of the nearest newspapers to said route, or by giving written notices to the stockholders; in all such notices the amount demanded on each share and the time and place of payment shall be set forth, and it shall be the duty of the board of directors to give [require] each person subscribing for stock in materials or labor to furnish the same upon the road most convenient to his premises; and if any stockholder shall neglect or refuse to pay or furnish such requisition. within ten days after the time mentioned in such notice for such payment, the corporation shall have power to collect the same by an action at law, before any court having competent jurisdiction. the same to be collected without relief of appraisement laws; the corporation shall have the power through their president and in his name, but for their use, to purchase the stock of any stockholder, when offered in execution on a judgment obtained against him in

favor of the corporation, and to sell the same in their discretion for the benefit of the corporation.

Sec. 12. The corporation shall require all officers and others in their employment, to give bond with security to their acceptance, with such penalty as they think proper for the faithful performance

of their respective duties.

Sec. 13. The corporation by their agent shall have power from time to time to examine, make, and locate the route of said turnpike road, from the east line of the State in the county of Steuben, at a point where "the Adrian and Indiana Plank Road" strikes the line of the State, through the villages of Brockville and Orland to the village of Lima, in Lagrange county, with power to diverge from a direct line, for the interest of the company and public convenience. Such road shall not exceed one hundred feet in width.

Sec. 14. And for the purpose of making such examinations and locations it shall be lawful for the corporations by their agents, and persons in their employ, to enter upon any lands, to make surveys and estimates for the purpose of seaching for stone, gravel, wood, or other material necessary for the construction of said road.

SEC. 15. It shall be lawful for the corporation either before or after the location of any section of said road, to obtain from the person or persons through whose land said road may pass a relinquishment of so much of said land as may be necessary for the construction of said road or location thereof, as also the stone, gravel, wood, timber, or other materials, that may be obtained on said route or near thereto for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, or bequests, made and entered into in writing by any person or persons capable in law to contract, made in construction [consideration] of such location or otherwise, and for the benefit of such corporation, shall be binding and obligatory, and the corporation may have their action in law in any court of competent jurisdiction to compel the obervance of the same.

Sec. 16. The corporation shall cause said road to be opened not exceeding one hundred feet wide, and at least twenty feet shall be made an artificial road, except upon such points as may be upon a good natural road already in use, and said road be covered with gravel, sand, wood, stone, coal, clay, or such other material as can best be secured, to be put on in as compact a manner as is usual for such materials.

Sec. 17. If it shall be found convenient or advantageous to the construction and location of said road, the corporation shall have the power and the right to lay the same along or upon any State, county, or township road: *Provided*, That all State and county roads crossing said turnpike road shall be left open and free.

Sec. 18. That when said road or any particular section thereof shall be located, it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the county auditor in the county where said road is located, and after that time it

shall not be lawful for said corporation to alter or change any part thereof, unless said corporation pay the owner or owners of the land on said route the amount of damage they may sustain by said change.

Sec. 19. That if said road after its completion or any section thereof shall be suffered to decay or be impassable one year, unless the same is repairing, this charter shall be considered as forfeited.

Sec. 20. The corporation shall commence the construction of the same within five years, and complete so much thereof as shall be for the general interest of all concerned and the means of the company will allow; and whenever five continuous miles of said road shall be completed, agreeably to the provisions of this act. the county commissioners of the proper county shall appoint an agent to examine the same, and report his opinion in writing, to the corporation, and if said road report shall state the road, or any five continuous miles thereof, to be completed, agreeably to the provisions of this act, the corporation may then erect a gate or gates. at suitable distances apart, not less than five miles, and demand and receive of all persons travelling said road, such tolls and at such rates as said corporation may determine upon, to collect and receive from all persons travelling, or for the privilege of driving all kinds of live stock, wagons, and teams, pleasure carriages. sleighs, and all other vehicles and things that may pass said road or any part thereof, as shall be for the interest of said company. and the same to change, lessen, or raise at pleasure; a list of the rates established from time to time, shall be posted up at some conspicuous place or places at each gate.

Sec. 21. If any person or persons using said road shall, with intent to defraud said corporation, or to avoid the payment of toll, pass through any private way, gate, or bars, or along any other ground near to said turnpike gate, which shall be enclosed pursuant to this act or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take an other person off said road with intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to the corporation the sum of five dollars, without any benefit of appraisement or stay law, to be recovered with costs of suit in an action of debt at the suit of the corporation before any justice of the peace in the county; *Provided*, that nothing in this act shall be so construed as [to] prevent persons residing along said road, from passing about their premises between the gates on said road, upon ordinary

business.

Sec. 22. The company shall set up a post or stone at the end of every mile, with the number of miles from the place where the road may commence fairly cut or painted thereon, and also in a conspicuous place near each gate, shall be placed a board with the rates of toll fairly painted thereon, and all the necessary matter in relation to direction.

SEC. 23. Any person wilfully or negligently destroying, defacing, or removing any guide-board, mile post, or stone, or list of rates of toll, erected on said road, or [remove] removing any plank, board, or other material, which have been used in the construction of said road, shall, on conviction thereof, before any justice of the peace or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case at the suit, and for the use of the corporation.

SEC. 24. If any toll-gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction within twenty days after the occurrence.

SEC. 25. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing said road, or any part thereof, with incidental expenses; also, a fair account of the tolls [recovered] received; and the books of the corporation shall always be kept for the inspection of an authorized agent of the State or stockholder of said company; and the company shall have the right to sell the stock to the State, upon such terms as they may agree.

Sec. 26. This charter shall be limited to fifty years duration and be in force from and after its passage, and be liberally construed as

a public act, for all beneficial purposes.

SEC. 27. Every person residing on premises through or touching which said road passes, shall have the privilege at all times, of passing and of going along and on said road, for the distance of one and a-half miles each way from his place of residence without paying any toll or charge for himself or any of his cattle, teams, or property.

Sec. 28. The directors that may contract any debts over and above the amount of stock secured, shall be liable in their individual capacity for the payment of all dues to laborers for work done upon said road, which shall not have been paid when due, by the

company in its corporate capacity.

SEC. 29. The legislature reserve the right to repeal this charter, whenever its provisions are violated, but if repealed, the assets, after the payment of all liabilities, shall be divided among the several stockholders, in proportion to the amount of stock paid in by each.

SEC. 30. The board of directors shall have power to receive, by deed or other proper and legal conveyance, any lands, mortgages, stocks in any other companies, or other materials which may be subscribed for stock in this company and sell the same for money, labor, or otherwise convert the same into means to be used in the construction of said road and to give all proper deeds or other legal conveyances that may be necessary to complete the sale of the same.

Sec. 31. The stock of the corporation shall be considered personal property, and may be sold on execution and transferred upon the books of the corporation, by the officer selling the same, but

shall in all cases be subject to the lien named in section ten (10.) of this act.

SEC. 32. It shall be the duty of the Secretary of State, to forward a certified copy of this act to the clerk of the [Lagroye] Lagrange circuit court, within twenty days from the time of passage thereof.

#### CHAPTER CCLXXXI.

An Act to amend an act to incorporate the Ohio and Mississippi Railroad Company.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That to equalize the condition of the various stockholders to the capital stock of the Ohio and Mississippi Railroad Company, interest shall be allowed on all payments of stock at the rate of six per cent. per annum from the time of payment up to the first day of January or July next preceding the first declaration of dividends of profits to be made by said company; said interest to be adjusted on each first day of January and July intervening, and to be paid by a subscription and certificate of stock, to be made and issued at the request of the stockholders making the payment, or of the assignee thereof, or in case the directors shall deem advisable said interest to be paid in cash, which interest so paid shall be charged to the cost of construction.

Sec. 2. That it shall be the duty of the sheriffs respectively, of the counties of Knox, Daviess, Martin, Jennings, Ripley, and Dearborn, forthwith to give notice of an election to be held in their respective counties on the first Monday of March next to determine whether said county shall subscribe for the stock of the Ohio and Mississippi Railroad Company, that the voters attending shall vote by ballot "subscription" or "no subscription," and if a majority of the votes given shall be in favor of subscription, the county board of said county shall subscribe to said stock for the several counties where a majority of votes has been so given as follows, to-wit:-For the county of Knox, to an amount not less than one hundred thousand dollars; for the county of Daviess, to an amount not less than thirty thousand dollars; for the county of Martin, to an amount not less than twenty thousand dollars; for the county of Jennings, to an amount not less than fifty thousand dollars; for the county of Ripley, to an amount not less than fifty thousand dollars; for the county of Dearborn, to an amount not less than fifty thousand dollars; for the county of Green not less than twenty thousand dollars: Provided, That the county board of any of the said counties may within one week prior to said election increase or lessen the amount to be subscribed by such county, of which action notice shall be given at the different precincts of said county on the day of election, which said elections shall be governed [in all respects] by the laws governing general elections; and in case in any of said counties there shall be a failure to hold such election by reason of want of notice or other cause, it shall be the duty of the proper sheriff to order such election to be held at some time thereafter as soon as may be convenient.

Sec. 3. That the county subscriptions shall be payable in county bonds, bearing interest at the rate of six per cent. per annum, payable annually on the first day of March, redeemable at such time and place as the directors of the company may determine. within thirty years from the date of subscription; that said bonds shall be issued at the rate of one-fifth each year; and that until a division of the profits of the company such interest shall be payable in cash by the proper county; and for that purpose, at the levying of the county taxes for each year, the county board shall assess a special tax sufficient to realize the amount of interest to be paid by the county for the year on the bonds issued, which tax shall be collected as other county taxes are, and paid over to the treasurer of said Railroad Company for the use of the bondholders, and that at all times the holder of the bonds, issued as aforesaid, shall have a lien on the stock of the proper county for the amount of the bond or bonds held, and may exchange the same at any time before the first declaration of dividends for an equal amount of the stock on which such lien is held, and on surrender of a bond or bonds shall be entitled to be substituted as a stockholder in place of the county, and in such case the proper county shall be discharged from all liability for principal and interest on said bonds so surrendered: Provided, The privilege of exchange shall not extend to any stock subscribed by the county of Green.

Sec. 4. In case the said railroad shall not be permanently located through any one of said counties, the bonds of said county shall be returned by said company to the proper authorities of such county, and the interest that may have been paid thereon when requested so to do.

Sec. 5. This act shall take effect and be in force from and after its passage, and shall be taken and considered a public act in all courts of justice, and construed liberally.

#### CHAPTER CCLXXXII.

An Act to incorporate the Milan and Manchester Turnpike Company.

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Hiram Knowlton, N. Leighton, Timothy Dennison, A. Fuller, S. Bowlsby, D. Abbot, M. Swift, H. Snodgrass, and Wm. Truebridge, all of the county of Ripley, and State of Indiana. and their successors in office, duly elected as hereinafter directed, be and are hereby constituted and appointed a body corporate and politic. and by the name and style of "The Milan and Manchester Turnpike Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any and all courts of justice whatever, to make and use a common seal, and the same to alter, change. or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws and rules and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be sixteen thousand dollars, divided into shares of twenty-five dollars each, with power to increase the capital stock if necessary to accomplish [the object] herein contemplated; and said company shall have full authority to receive said subscriptions of stock in labor or materials for the construction of said road.

SEC. 3. Said company shall have power to mark out, make, and construct a turnpike road from the town of Milan, in Ripley county, to intersect the Lawrenceburgh and Napoleon Turnpike road some where in Manchester township, and for that purpose all the provisions of a law passed at the last session of the General Assembly, entitled "An act to authorize a company to construct the Aurora and Laughery Turnpike Company," approved February 15, 1848, be, and the same are hereby, made a part and parcel of this charter; and said company shall have all the privileges and benefits conferred by said charter on the Aurora and Laughery Turnpike Company, so far as the same may be applicable to the objects of said Milan and Manchester Turnpike Company.

Sec. 4. This act to be in force from and after its passage.

#### CHAPTER CCLXXXIII.

An Act to incorporate the Town of Wabash.

#### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the town of Wabash, in the county of Wabash, and State of Indiana be, and the same is hereby, incorporated under the general provisions of the Revised Statutes of 1843, as the same are contained in the twenty-fifth chapter, article one, of said revision.

SEC. 2. The boundaries of said corporation shall be limited to

the recorded plat of said town.

Sec. 3. An election for trustees of said corporation shall be held within one month from and after the first Monday in April, 1849, in accordance with the provisions of the article aforesaid: Provided, however. That this act shall not take effect nor be in force unless two-thirds of the legal resident voters in said town, liable to pay a corporation tax, shall, by a direct vote, on the first Monday in April, 1849, declare in favor of incorporating the same, and for the purpose of obtaining said vote, it shall be lawful for the voters aforesaid to choose an inspector of such election, who shall select two assistant judges and two clerks, each possessing the qualifications of elector under this charter, who shall constitute a board of election, and whose duty it shall be to open a poll on the said first Monday of April, 1849, and receive the votes of the eligible voters of said town, which election shall be conducted in all respects as required by the second section of the article aforesaid, excepting that said voters shall be required only to endorse upon their tickets, either in print or in writing, the words "corporation" or "no corporation."

Sec. 4. It shall be the duty of such board of election, within three days thereafter, to certify to the clerk of the Wabash circuit court the result of such election, stating in words written at full length the number of votes given for, and the number of votes given against, a corporation, at such election; and if it shall appear from such certificate that two-thirds of all the votes cast at such election are in favor of such corporation, then it shall be the duty of said clerk to give the notice required in the second section of the act above referred to in the first section of this act.

SEC. 5. This act to take effect and be in force from and after its passage and publication in the Wabash Gazette, and a certified copy of this act filed in the clerk's office of Wabash county.

#### CHAPTER CCLXXXIV.

A Joint Resolution on the subject of Mary Griffith, an Indian woman, transferring her land.

#### (APPROVED JANUARY 16, 1849.)

WHEREAS, Mary Griffith, widow of Amos Griffith, late of Warren county, Indiana, deceased, and daughter of Nebust, a Pottowattamie Chief, and formerly called Mary Chattalie, has bargained. sold, and conveyed unto John Wamsley, and his heirs, by a deed in fee simple, bearing date the second day of December, eighteen hundred and forty eight, in consideration of the sum of thirty-four hundred dollars, the following lands and tenements, to-wit: lying and being in the county of Warren, and State of Indiana, bounded and described as follows: beginning at the northeast corner of a certain section of land reserved to the said Mary Chattalie. and her heirs, by the United States of America, at the treaty of St. Mary's, on the second day of October, eighteen hundred and eighteen; said corner is located on the west bank of the Wabash River, near a bayou formerly the mouth of Pine Creek, on the south side thereof, and opposite the town of Attica, in Fountain county, Indiana, running thence with the line of said section north 40 degrees west eighty chains to the northwest corner of said reserved section, thence south 50 degrees west forty chains to a stake in the line of said section, thence south 40 degrees east eighty chains to the west bank of the Wabash River to the place of beginning, containing three hundred and twenty acres, be the same more or less: Therefore,

Section 1. Be it resolved by the General Assembly of the State of Indiana, That said General Assembly of the State of Indiana do hereby authorize and consent to said bargain, sale, and conveyance so made as aforesaid by said Mary Griffith, widow of the said Amos Griffith, deceased, and daughter of said Nebust, a Pottawattamie Chief, and formerly called Mary Chattalie, to the said John Wamsley, and his heirs, for the said lands as aforesaid.

#### CHAPTER CCLXXXV.

An Act to unite the Mount Carmel and New Albany Railroad Company and the Mourt Carmel and Alton Railroad Company, to be called the [Alton,] Mount Carmel, and New Albany Railroad Company.

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, (the Government of the State of Illinois consenting thereto,) That the Mount Carmel and New Albany Railroad Company, incorporated by the Legislature of the State of Indiana, and the Mount Carmel and Alton Railroad Company, incorporated by the Legislature of the State of Illinois, be and the same are hereby united, and shall hereafter form and constitute one company, to be known as the Alton, Mount Carmel, and New Albany Railroad Company; and by such name may make and use a common seal, may make by-laws for the regulation of its officers and business, may make contracts, sue and be sued, and shall have all the powers incident to corporations for the purpose of carrying into effect the object of said charters.

Sec. 2. That a majority of the commissioners named in said acts of incorporation now living, or a majority of the directors of said respective companies now in office, shall meet at Mount Carmel on the first Monday in June, 1849, and biennially thereafter, and elect nine directors of said Alton, Mount Carmel, and New Albany Railroad Company, who shall elect a president to continue in office for two years, and until a successor shall be elected.

Sec. 3. That all the rights secured and powers granted by the charter incorporating the Mount Carmel and New Albany Railroad Company, and the several amendments thereto, and all the rights secured and powers granted by the charter incorporating the Mount Carmel and Alton Railroad Company, and the several amendments thereto, be and the same are hereby granted to the Alton, Mount Carmel, and New Albany Railroad Company. This act to take effect and be in force from and after its passage.

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## CHAPTER CCLXXXVI.

An Act to incorporate the Wild Cat Bridge Company.

### [APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Henry Isely, Peter Hilt, Robert Heath, Herman Peters. Joel B. McFarland, Jesse Evans, John McCurdy, and Lewis Falley, of the county [of] Tippecanoe, and State of Indiana, and their associates and successors be and they are hereby constituted and made a body politic and corporate, and shall be and remain such forever under name of "The Wild Cat Bridge Company," and by that name may contract and be contracted with, may sue and be sued. in all courts having competent jurisdiction, and do all other things, legitimate for such company to do; and they are hereby invested with all the powers and privileges in anywise necessary or expedient to carry into effect the proper business of the association.

Sec. 2. The capital stock of said company shall be \$5,000, di-

vided into shares of ten dollars each.

SEC. 3. It shall be the duty of the persons named in this act, to open books at some public and convenient place in the city of Lafayette, and elsewhere, for receiving subscriptions to the capital

stock of said company.

SEC. 4. Whenever one hundred and fifty shares of the stock of said company, including the amount that may be taken by the persons named in the first section of this act, shall be subscribed, they shall give three weeks notice, by publication as above provided, of the time and place of meeting of the stockholders, to choose directors; and at the time and place appointed, the stockholders shall choose five directors, being stockholders of said company, who shall serve one year, and until their successors are chosen and qualified, a majority of whom shall be a quorum to transact business. The annual election for directors thereafter, shall be held at such time and place as the stockholders, at their first meeting, shall appoint. The directors thus chosen, shall, as soon thereafter as practicable, choose one of their own body as president, and also appoint a secretary, and such other officers as may be necessary: Provided, That should the stockholders, at any annual election, neglect or fail to elect directors, as aforesaid, in this section, the company shall not, on that account, be dissolved; but the president and directors for the time being, shall continue to exercise the duties of their office until their successors are chosen as aforesaid.

Sec. 5. The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such times and [in] such proportions, as they may think proper, not exceeding' twenty-five per cent. of the amount of stock, every six months, by

giving thirty days notice in some public paper, printed in the town of Lafayette, or [by] giving written notice to the stockholders, stating the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay the requisition within ten days after the time named for such payment, the corporation may bring suit against such delinguent for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, from the delinquent; and if the amount cannot be made on execution, or if such delinquent is out of the State, the company may declare such stock forfeited to the corporation, with whatever [amount] may have been paid thereon, and the same shall be absolutely forfeited to the company.

SEC. 6. In all elections for directors, each stockholder shall be entitled to vote, either in person or by proxy, under such regulations as may be prescribed by the directors, according to the following scale, to-wit: for each share not exceeding five shares, one vote; for every two shares above five and under fifteen, one vote.

SEC. 7. Half yearly dividends of so much of the profits as the company may deem expedient, shall be made on the first Mondays in January and July in each year, and paid to the stockholders or their legal representatives, as soon thereafter as it can be done with convenience.

Sec. 8. The said company are hereby authorized to erect a bridge across the Wild Cat Creek, at or near Bansemer and Peters' mill, in Tippecanoe county; and said company shall have and may use the writ of ad quad damnum, and all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantities of ground for the erection of abutments, toll houses, and all necessary causeways, bridges, and embankments: Provided, however, That said bridge shall not in anywise interfere with the present ford across said creek at said mill.

SEC. 9. When said bridge shall be completed, the said company may erect a gate at or near either the ends of said bridge, and demand and receive a toll not exceeding the following rates, viz: for every four wheeled carriage, drawn by two horses or oxen, ten cents; for every additional horse or ox attached to the carriage, two cents; for every wagon or cart, sleigh, sled or cutter, drawn by one horse, five cents; for every cart, sleigh or sled, drawn by two horses, five cents; for each horse or mule, three cents; for each head of cattle, one cent; for every sheep or hog under the number of fifty, one-half cent; for every sheep or hog over that number, one-fourth of a cent; for every foot passenger, two cents; and in analagous proportions of the foregoing rates for any animals and parriages; but all persons going to [or] returning from muster, when doing military duty, going to or returning from elections, and all funeral processions, shall be exempt from toll.

Sec. 10. That if any person or persons shall wilfully injure said bridge, he, she, or they, so offending, shall, upon conviction, be fined

in any sum not exceeding fifty dollars, and be liable to said company in treble the amount of the damages thus done, with costs of suit, to be recovered before any court of competent jurisdiction. in action of debt.

SEC. 11. If [any] person shall pass the gate without having paid the legal toll, he shall forfeit and pay to said company eight times the amount of legal toll, to be recovered by action of debt before

any justice of the peace in said county.

SEC. 12. If any toll gatherer shall unreasonably delay or hinder any passage at the gate, or shall demand or receive more than the legal toll, he shall, for every such offence, upon conviction, be fined in any sum not less than five dollars, for the use of the county seminary of said county.

SEC. 13. The said bridge shall be built not less than sixteen feet

wide.

Sec. 14. If said bridge shall not be commenced within two years from the passage of this act, and completed within three

years thereafter, this act to be null and void.

Sec. 15. Certificates of stock shall be given to the stockholders. which shall be evidence of stock held; they shall be signed by the president, and countersigned by the secretary; the stock shall be transferable only on the books of said company; but such stock shall at all times be holden by, and a lien is hereby granted to the company, for any debts due from the holders thereof to the com-

SEC. 16. This act to be in force from and after its passage.

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## CHAPTER CCLXXXVII.

An act to incorporate the Indiana Mining Company.

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Isaac H. Roll, Seaton W. Norris, and James Yandes, of the county of Marion, and their successors in office, be and they are hereby constituted a body politic and corporate by the name and style of the Indiana Copper Mining Company, and are hereby made capable to contract and be contracted with, to sue and be sued, to plead and to be impleaded, to answer and be answered to in any court of justice in this State or elsewhere, the same as a natural person, and shall be recognized in law and equity. ; Sec. 2. The said corporation shall have a common seal, which may be changed and altered at pleasure, and they shall be capable of purchasing, holding, using, and conveying any estate real or personal necessary for the use and security of said corporation.

Sec. 3. The property, stock and concerns of said corporation shall be managed and conducted by the directors, one of whom shall be chosen President, two of whom shall be residents of the county of Marion, and said directors may respectively hold their offices for one year and until others shall be chosen. The said board shall have power to appoint a Treasurer, Secretary and other agents, and to ordain and establish such by-laws and regulations as they shall deem necessary to promote the object of the corporation, not inconsistent with the laws and constitution of the State, and subject to the approval or disapproval of the stockholders.

SEC. 4. The capital stock of said company shall be twenty thousand dollars, and shall be divided into shares of five dollars each, and each stockholder in voting for directors and for other purposes, shall have one vote for each share of stock; and all the stock of said company shall be considered as personal property and may be sold on execution and transferred on the books of said company by the officer selling the same; and any person in whose custody the books of said company may be deposited, who shall refuse to exhibit the books thereof to any officer charged with the service of any writ of execution which may issue from any judicial tribunal within this State, and such person or persons so refusing to exhibit said books shall be subject to indictment and fined not less than ten dollars, nor more than five hundred, and such person or persons moreover shall be liable in a civil suit to the party injured.

Sec. 5. The individual and private property both real and personal of each stockholder to the amount of his respective stock, shall be subject and liable to execution for all contracts and liabilities made or entered into by said corporation at any time during which, any and every such person or persons may have held stock in said company: Provided, that all the property of said corporation shall be first exhausted before the private property of the indi-

vidual stockholder shall be liable.

Sec. 6. The legislature reserves the right to alter, amend or repeal this act of incorporation at any time.

Sec. 7. This act to be in force from and after its passage.

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An Act to amend an act entitled "An act to incorporate the Fairview Academy in Rush county. The state of the state

## (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That section six of an act entitled, "An act to incorporate" the Fairview Academy in Rush county, approved February 16th,

1848," be and the same is hereby repealed.

Sec. 2. The trustees appointed by the act to which this is an amendment, shall hold their office for the term of one year from the date of the organization of said incorporation, and until their successors are elected and qualified; and at the expiration of the said one year, new trustrees, five in number only, shall be chosen by the stockholders, each one being entitled to one vote or votes; the time, place and manner of electing shall be determined by the by-laws of the corporation. Said trustees shall hold their office for the t of five years, and until their successors are elected and qualified.

Sec. 3. This act shall be in force from and after its passage.

## CHAPTER CGLXXXIX.

An Act to amend an act entitled, "An act to incorporate the Wayne County Turnpike Company, approved December 5th, 1848."

## [APPROVED JANUARY 15, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That section thirteen of an act entitled, "An act to incorporate the Wayne County Turnpike Company, approved December 5th, 1848," be and the same is hereby so amended as to authorise said company to erect not exceeding two toll gates within each distance of ten miles, at such point or points within said ten miles as may be deemed for the best interest of said company.

SEC. 2. That section 7th of said act be so amended as to authorize said company to elect only seven instead of nine directors.

SEC. 3. That said company, if they deem it expedient so to do, are hereby authorized to contract with the Richmond Turnpike Company to have the tolls of said Richmond Turnpike Company collected at the first gate west of the junction of said two roads on

the said Wayne County Turnpike road. And during the existence of any such contract the gate on said Richmond Turnpike road shall be dispensed with.

Sec. 4. All laws and parts of laws coming in conflict with the foregoing provisions, be and the same are hereby repealed. And this act to be in force from and after its passage.

## CHAPTER COXC.

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An Act to incorporate the Ohio Insurance Company.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be and is hereby established in the City of New Albany an Insurance Company, with a capital stock of fifty thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies, or corporations, in manner hereinafter specified, which stockholders and subscribers, and their successors, shall be and are hereby created a body politic and corporate, with perpetual succession, by the name and style of "The Ohio Insurance Company," for the period of one hundred years from and after the passage of this act, and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in the payment of any debt which may become due or owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of any court of equity in their favor; and may have and use a common seal, and the same alter, change, break, or renew at pleasure; and may also make, ordain, establish, and put in execution such by-laws, ordinances, rules, and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: Provided, That no by-laws, ordinances, rules, or regulations of said company, shall in any way contravene the constitution and laws of this State or the United States: And provided also, That said company shall not at any one time own or hold a greater amount of real estate than shall be of the value of fifty thousand dollars.

Sec. 2. That said company or corporation shall have full power and lawful authority to insure all kinds of property against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage on goods, merchandise, and produce in the course of transportation or otherwise, whether on land or on water; to make all kinds of insurance upon vessels or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk upon the interest which they may have in any vessel, boat, goods, merchandise, or other property, by means of any loan or otherwise, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

SEC. 3. That it shall be lawful for said company to invest any part of their capital or stock, moneys, funds, or other property, in stocks or funded debts, created or to be created, by or under any law of the United States, or of this or any other State, or in the stock of any chartered bank of this State or of the United States, or any branch thereof, and the same to sell and transfer at pleasure. and again to invest the same, or any part thereof, in such stocks or funds whenever and so often as the exigencies of said corporation, or a due regard to the safety of its funds, may require, or may loan the same or any part thereof to individuals or corporations on real or personal security, for such periods of time, and under such restrictions and limitations, and upon such terms as the directors thereof, for the time being, shall deem prudent and best for the interest of said company; that the office of "The Ohio Insurance Company" be, and the same is hereby made an office of discount and deposit, and are hereby authorized to deal in exchange and the discount of promissory notes, and to receive cash and bank bills of any incorporated bank on deposit, for such time and on such interest as may be agreed upon, and discount or loan the same, or such other funds as they may have on hands, upon such terms and conditions, and upon such rate of interest, not exceeding ten per cent. per annum, as may be agreed upon between said company and the person or persons, company, or corporation, discounting or borrowing the same: Provided, however, That all deposits made in said office shall be refunded and paid by said corporation on demand, in specie or its equivalent, except when special deposits are made, which shall be refunded and paid as agreed upon: And provided also, It shall not be lawful for said corporation to issue or emit bills of credit, or bills payable to order or bearer, as a circulating medium.

Sec. 4. That in all cases where said company shall refuse to pay deposits in said office, on demand, where no agreement has been made, or where the time for which such deposit was made has expired, the amount of the same may be recovered by motion or suit in any court of competent jurisdiction, ten days' previous notice of said motion, if before the circuit court, and three days' no-

tice, if before a justice of the peace, having been given, and upon judgments rendered therein, and upon all other judgments, against said corporation for deposits, shall be allowed ten per cent. damages, and interest after the rate of six per centum, from the date of such legal demand, and upon which judgments there shall be no stay of execution.

Sec. 5. That it shall be sufficient service of process on the company hereby created, to execute the writ or notice on the president or secretary, and a majority of the directors for the time being, and such service shall authorize judgment or proceedings by default against the corporation, without appearance or plea by said corporation, in the same manner that judgments or proceedings are taken

by default against individuals on the service of process.

Sec. 6. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the administration of its affairs, shall be under the management and direction and control of a board of seven directors, who shall be stockholders, and citizens of the State of Indiana, and after the first election they shall be elected by the stockholders on the second Monday in October, annually, at such time of day, and at such place in the City of New Albany as said directors for the time being shall direct; they shall hold their offices for the term of one year, and until their successors shall be chosen, and notice of such election shall be advertised and published for three weeks next preceding the same, in a newspaper printed in said city, and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose, and at every such election, and all other meetings of the stockholders, [held] under the provisions of this act, each shall be entitled to one vote for each share: Provided, That no stockholder shall be entitled at any time to more than twentyfive votes; and any stockholders not personally attending such election, or other regular meeting of the stockholders, or [and] having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should so happen that an election of directors should not be made on any days when by this act it ought to have been made, it shall and may be lawful for said company to make an election for directors on any other day, in such manner as may be provided for by the by-laws of said corporation.

Sec. 7. That the directors duly chosen under the provisions of this act shall, as soon as may be after the first and every annual election, elect a president from their own body, who shall preside in the board until the next annual election; and in case of his death, resignation, or absence, the board shall appoint a president pro tempore; they shall fill all the vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, and servants of said

corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions, and limitations not inconsistent with the provisions of this act and the bylaws, rules, and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules, and regulations for their own government, and for the management and disposition of the stock, property, estate, funds, and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the bylaws, rules, ordinances, and regulations adopted at any regular meeting or meetings of the stockholders, and at such times as the president thereof for the time being, shall order and direct, and a majority of the whole number shall constitute a quorum, and competent to the transaction of business within the scope of their powers, and connected with their duty, and all questions before the board shall be decided viva voce by a majority of the directors present, and any two of whom may require the yeas and nays to be taken on any proposition submitted, and entered on the journal of their proceedings, and no vote shall be rescinded by a less number than were present and voting when the original vote was taken. And the directors of said company shall have power to increase the stock of said company to two hundred thousand dollars on such terms and conditions, and in such manner as to them may seem best, and they shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business as shall not impair or in anywise lesson the capital stock of the same, and cause the same to be paid to the several stockholders: Provided, That no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such as part payment thereof.

Sec. 8. That all policies of insurance which may be made or entered into by said corporation, shall be subscribed by the president, or president pro tempore, or such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary, and being so signed and attested, shall be binding and obligatory on said corporation without or with the seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, or the secretary, subject nevertheless to the by-laws, rules, ordinances, and regulations established by the board of directors. It shall be the duty of the secretary, at every annual election, or other general meeting of stockholders, to lay before them a correct and particular statement of the condition and affairs of said company.

Sec. 9. The stock of said company shall be assignable and transferable, on the books of the same or otherwise, according to such rules and by-laws, and subject to such restrictions and lim-

itations as may be established by the directors, and all such stock shall be held and considered as personal property.

SEC. 10. That any number of stockholders who shall at any time be the owners of one tenth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed in the city of New Albany, of the time and place of such meeting; and the stockholders present in person or by proxy, at such meeting, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such by-laws, ordinances, rules, and regulations, as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

Sec. 11. The books for the subscription to the capital stock of said company, shall be opened in the city of New Albany, by and under the direction of James Brooks, David Crane, Abraham Case, Victor A. Pepin, Thomas Conner, John Brown, and Noah H. Cobb, or a majority of them, who are hereby appointed commissioners for that purpose, whose duty it shall be to give notice of the time and place of opening books for subscription, in a newspaper printed in said city; and it shall be lawful for any individual, company, or body corporate, to subscribe for any number of shares, and such individual, company, or body corporate, shall, at the time of subscribing, pay to the said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as four hundred shares are subscribed, to give two weeks notice in some newspaper printed in said city of New Albany; of the time and place for the stockholders to meet and elect the first board of directors, which election shall, in all respects, be governed by the provisions of this act for the election of directors, and the board of directors thus elected shall constitute the first board, and shall continue in office until the next annual election.

SEC. 12. That so soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to the said board of directors all moneys that may be in their hands, belonging to said company, and deliver over to them all books and papers belonging to said company, and it shall be the duty of the directors, before they proceed to make any policies of Insurance, to demand and receive of each stockholder the full amount of the stock by them respectively subscribed, which payment shall be made either in cash, or secured to be made by giving real or personal security to the satisfaction of the directors; and if any stockholder shall fail to make such payment or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company the amount paid on such stock at the time of subscribing; Provided, said corporation shall not commence business, or grant any policies of insurance, until four hundred shares are subscribed and paid for, or secured to be paid as aforesaid. All the balance of the stock of said company

shall be offered for sale, at such times and places, and upon such terms and conditions as the directors for the time being may from time to time direct.

Sec. 13. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insnrance, on any kind of property, real or personal, against loss or damage by fire, or any other cause or risk on any goods, merchandise or produce, whether on land or on water, on any vessel or boat whatever, and wherever they may be, on life or lives, or shall lend any money on bottomy or respondentia, or shall become the underwriter of any foreign or domestic bill of exchange, bond, note, or obligation it shall be lawful to change such rate of premium or interest as may be agreed upon by the parties.

Sec. 13. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vender or venders to assign such policy to the vendee or vendees of such property, and such assignee or assignees, shall have the full benefit thereof; Provided, that before any loss happens, notice shall be given said company of said assignment; And provided, said company when so notified, shall be at liberty to return [a] ratable proportion of the pre-

mium, and thereupon be exonerated.

SEC. 15. That whenever said corporation shall be notified of any loss sustained or incurred on any policy of insurance, granted or issued by the same, it shall be the duty of said company to pay the amount so lost or incurred on such policy within sixty day after being so notified; Provided, there shall have been no violation of the condition of the policy on the part of the insured; and on all judgments obtained by said corporation, there shall be no stay of execution, except on judgments for money loaned and on discounted promissory notes, upon which said judgment for money loaned and discounted notes, there shall be allowed the same stay of execution as is now or may hereafter be allowed by law in other cases. And the stockholders may at any regular meeting, either increase or diminish the number of directors; Provided, there never shall be more than thirteen nor less than seven.

Sec. 16. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

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#### CHAPTER CCXCI.

An Act for the relief of Rosewell Langdon, of Perry county.

(APPROVED JANUARY 16, 1849.)

WHEREAS, Rosewell Langdon of the county of Perry, State of Indiana did, in the year 1847, rent a certain tract of school land in said county, known and designated as the south west fractional quarter of fractional section twenty seven, in township No. five south of range No. one west, containing some sixty five acres of cleared land, for the rent of which he obligated himself to pay the sum of one hundred dollars;

AND WHEREAS, the great freshet of December, 1847, swept away the entire crop, fences and house upon the said premises, by which the said Langdon was unable to pay any part of said rent;

AND WHEREAS, two hundred and forty three of the citizens of Perry county have petitioned the Legislature to pass a law releasing said Rosewell Langdon from the payment of said rent, therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Rosewell Langdon be and he is hereby released from the payment of the rent, as above set forth for the year 1847, and that the officers holding said bond for the payment of said rent are hereby authorized and required to enter a release for the payment of said rent upon the bond or obligation executed by the said Rosewell Langdon, for the payment of the same.

SEC. 2. This act to take effect and be in force from and after its

passage.

#### CHAPTER CCXCII.

An Act to locate a State Road in the counties of Fountain and Tippecanoe.

(APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Harley Greenwood and Solomon Hetfield of Fountain county, and Samuel [Ewing] Eury of Tippecanoe county, be and they are hereby appointed commissioners, to view, mark and locate a state road, commencing at Elisha Sargent's ferry on the Wabash river, opposite the town of Attica, thence along Columbia street in Attica, to the county road leading from Attica to Jefferson, thence along said road, with such variations as may be necessary to make a good

road, to the state road leading from Newtown to Lafayette, near Odell's school house in Tippecanoe county.

SEC. 2. The said commissioners shall meet on or before the first Monday in May next at Attica, and after taking an oath or affirmation faithfully to discharge their duties, shall proceed to view, mark, and lay out said road, as proposed in the first section of this act. The said commissioners shall in all things be governed by the laws now in force, except so far as they conflict with the provisions of this act.

Sec. 3. This act to be in force from and after its passage.

It is hereby made the duty of the Secretary of State to forward a certified copy of this act to the Auditor of Fountain and Tippecanoe counties.

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#### CHAPTER CCXCIII.

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An Act to amend an act entiled, "An act to incorporate the Madison and Napoleon Turnpike Company."

#### (APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the last sentence of the third section of an act entitled, "An act to incorporate the Madison and Napoleon Turnpike Company," be and the same is hereby repealed.

Sec. 2. This act to take effect be in force and from and after its passage. All laws and parts of laws contravening the provisions of this act, are, so far as they conflict with the same, repealed.

## CHAPTER CCXCIV.

An Act confirming a settlement made between the County Commissioners of Hancock county, and James D. Henry, and for other purposes.

#### (APPROVED JANUARY 16, 1849.)

Whereas, It has been represented to the General Assembly of the State of Indiana, That the said Board of commissioners of the

county of Hancock, did in the month of September, in the year 1848, settle with James D. Henry, late school commissioner of said county, for money by him received and unaccounted for, belonging to the common school fund of said county, in the settlement of the same, the said James D. Henry, for and in consideration of a full release for all monies so by him received at the instance and request of said commissioners as aforesaid, and with the consent of James Ettler now and at the time of the execution and delivery of the deed hereinafter named, was and is school commissioner of said county, did procure and cause one William H. Payne to make, acknowledge and deliver to said James Ettler as school commissioner and his successors in office, a deed in fee simple conveying to such school commissioner and his successors in office a portion of a lot and improvements thereon in the town of Greenfield in said county;

And whereas, doubts are entertained as to the lawful authority of said board of commissioners to make such settlement as in this preamble mentioned, for remedy thereof, and for the security of said Henry, and rendering said [deed] so acquired as aforesaid more certain and secure to said county.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the settlement heretofore made by the board of commissioners of Hancock county and James D. Henry be deemed, held, and taken as valid, and the conveyance so made by William H. Payne to the school commissioner of Hancock county, be and the same is declared to be effectual and the property so conveyed shall be deemed and taken as a part of the school lands of said county, and it may be lawful for said board of commissioners to cause the same to be sold at such time and upon such terms as to them may seem right.

Sec. 2. And be it further enacted, That it shall not be necessary for or obligatory upon the board of commissioners aforesaid to cause a jail for said county to be erected until the expiration of five years, unless said commissioners should conclude to cause the same to be erected at an earlier period.

This act is declared a public act, and shall take effect and bein force from and after its passage.

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#### CHAPTER CCXCV.

An Act to improve the breed of Horses in Randolph county

(APPROVED JANUARY 15, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That it is hereby made the duty of the Treasurer of the county of Randolph upon the payment of the sum of five dollars to him by the owner or keeper of any stallion, to be kept during the season in the county of Randolph, to certify the same to the county auditor, who shall thereupon issue a licence to such owner or keeper.

Sec. 2. Any owner or keeper of any stallion who shall let the same to mares within the county of Randolph, without first obtaining such licence, shall forfeit and pay the sum of ten dollars for each offence, to be recovered before any justice of the peace within said county in [an] action of debt, to be brought in the name of any legal voter of said county, and when collected to be paid over by said justice, the one half to the informer, the other half to be paid into the county treasury for the use of said county.

This act to take effect from and after its publication.

### CHAPTER CCXCVI.

An Act to incorporate the Madison and Cross Plains Turnpike Company.

(APPROVED JANUARY 13, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That J. Bishop, Oliver S. Pitcher, Jonathan Storms, William C. Hillis, and Robert Craig, of Jefferson county, and Augustus Lathrop, and Alpheus Hunter, of Ripley county, and their successors in office duly elected as hereinafter directed, are hereby constituted a body corporate and politic, by the name and style of the "Madison and Cross Plains Turnpike Company," and by such name and style shall be able and capable in law and equity to sue and be sued, plead and be impleaded, and answer and be answered unto, in any and all courts whatsoever; to make and use a common seal and to alter the same at pleasure, and shall be able to make all contracts necessary to the object of such company, and to make and enforce all by-laws, rules, and regulations, necessary to carry into effect the

provisions of this act and the objects contemplated by the same, not inconsistent with the constitution and laws of this State.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of twenty-five dollars each, with power to increase said stock if necessary, to the full accomplishment of the objects herein contemplated.

Sec. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president; and after such organization any five of such board shall constitute a

quorum to do business.

Sec. 4. The corporation shall have power to appoint agents, treasurers, clerks, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect this act; they shall keep a journal of their proceedings in which shall be entered all by-laws and regulations, and all orders of whatsoever nature, which journal and proceedings shall from time to time be signed by the president of such board; they may sit on their own adjournments or on a call of the president, and when the president is absent they may appoint a president pro tempore, and may fill all vacancies that may occur in their body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock at such times and places as they may choose, notice of which shall be given in at least two newspapers of general circulation, published nearest the line upon which said road may be located, in each of which books the following entries shall be made: "We the undersigned promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in money, labor, materials, or services, in such manner, and at such times, and in such proportions, as the president and directors of the company may direct. Witness our hands, this —— day of ———A. D. 18—."

Sec. 6. The value of all stock subscribed in this company to be paid in labor, materials, or services, shall be ascertained and fixed

by the board of directors.

Sec. 7. It shall be lawful for all persons of lawful age, and for the agent of any corporate body, to subscribe for any amount of the capital, and said corporation may by its agent or agents, offer for sale in this or any other State any amount of stock, and upon such terms and conditions as may be deemed advisable; they shall have power upon their own credit to borrow money and to raise means in any legal and proper manner for the purpose of carrying into effect the objects contemplated in this act.

SEC. 8. As soon as one hundered shares of stock are subscribed, it shall be the duty of the corporation to give three weeks notice thereof in one or more newspapers published in the city of Madison, and in such notice designate a time and place for the stockholders to meet and elect nine directors, who shall be stockholders and citizens of this State, which election shall be by ballot and conducted

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by one inspector and two judges, to be appointed by the stockholders present, and the persons having the highest number votes of shall be declared duly elected; in all elections each share, and from one to five shares, shall entitle the holder to one vote, and every additional five shares to one vote only, to be given by persons holding the same, or by one of any partners, or by the husband, father mother, executor or administrator, trustee or guardian, or by the authorized agent of any corporation, or by any person having a right to vote by proxy.

Sec. 9. It shall be the duty of the directors elected as above, and those elected at subsequent elections, to elect one of their body president; the president and directors so elected shall continue in office. until the next annual election, and until their successors are elected

and organized.

Sec. 10. All elections after the first shall be held on the first Tuesday in November, annually, under the direction of the stockholders present, of which election due notice shall be given: Provided That if from any cause there shall be no election held on the day appointed, it shall be lawful to hold the same on any other day that

may be designated by the directors.

Sec. 11. Certificates of stock shall be given to the stockholders which shall be evidence of the stock held, and shall be signed by the president and countersigned by the clerk; stock shall be transferable on the books of the company only, personally, or by an agent or attorney, or by executors or administrators, trustees or guardians: but such stock shall at all times be holden by the corporation for any sum that may be due from the holder thereof, or for any sum that may thereafter become due on a contract made prior to such in money, labor, materials, or services, in such man transfer.

Sec. 12. The corporation shall have power to call for such part of the stock subscribed as may be judged by them necessary to carry on the work, to be paid by the stockholders in such materials. labor, services, or money, as shall have been designated by the party subscribing the same, to be paid at or within such time and at such place as the board of directors may name, by giving sixty days notice in one or more newspapers published in the counties through which said road may be located, or by giving written notice to the stockholders; in all such notices the amount demanded on each share, and the time and place of payment thereof shall be set forth; and if any stockholder shall neglect or refuse to pay or furnish such requisition within ten days after the time mentioned in such notice for such payment, the corporation shall have power to collect the same if it be due in money, or its value if it be in materials, labor, or services, by an action at law in any court of competent jurisdiction; and if the amount found to be due cannot be made on execution, or if such delinquent be a non-resident of this State, then and in either of such events, the corporation may by an order on their books declare such stock to be forfeited to the corporation, together with whatever amount may have been previously paid thereon by

such delinquent; and no such delinquent shall between the time of failure to pay as aforesaid, and the forfeiture of his, her, or their stock, have the right to vote for directors, or to receive any dividends whatever, until said corporation be fully satisfied.

Sec. 13. The corporation shall require of all officers and others in their employment, bonds with good security to the acceptance of the directors thereof, for the faithful performance of the respective

duties of such officers.

Sec. 14. The corporation shall, by themselves or by their agents. have power from time to time to survey, examine, mark, and locate the route of said turnpike road, from the city of Madison in the county of Jefferson, to Canaan, in said county, thence to Cross-plains, in the county of Ripley, with power to diverge from a direct line, if the same shall be judged by the corporation to be to their interest and the public convenience; and for the purpose of making such surveys, examinations, and location, it shall be lawful for the corporation by their agents, and persons in their employment, to enter upon any lands for such purpose, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no materials shall be taken away from any land without the consent of the owner or his agent, until the rate of compensation therefor shall be ascertained.

Sec. 16. It shall be lawful for the corporation, either before or after the location of said road, to obtain from the person or persons through whose lands the same may pass, a relinquishment of so much of said land as may be necessary for the construction of said road, or location thereof, as also the stone, gravel, timber, wood, or other materials, that may be obtained on said route, or near thereto, for the benefit of said corporation; and all such contracts, relinquishments, gifts, grants, bequests, and donations, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location or otherwise, and for the benefit of said corporation, shall be bigding and obligatory, and said corporation may have its action at law or in equity in any court of competent jurisdiction, to compel the observance and performance of the same.

Sec. 17. That in all cases where any person through whose land said road may be located, shall refuse to relinquish the same, or where a contract for such location cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the township where such land is situated of such fact, whose duty it shall be to summon the owner of such land to appear before him on some particular day, and within ten days thereafter, and shall also summon a jury of twelve disinterested men, or a less number, if agreed on by the parties, who shall, after being duly sworn faithfully and impartially to assess the damages, if any, upon view of the land or materials, and after taking into consideration the advantages as well as disadvantages said road may be to the same, report thereon whether such person is entitled to damages or not, and if so, how much, said jury shall file such report with the justice, who shall thereupon proceed to enter judgment upon such report, and [in] all cases where the owner or owners of such lands or materials shall be minors, idiots, insane persons, or non-residents of the county through which said road may be located, such justice shall cause three weeks' notice to be given in one or more newspaper published nearest the route of the said road of such application, and of the day fixed for the appointment of viewers, and if no person shall appear upon the day named in such notice, the justice shall proceed to hear and determine such case as if the person or persons interested had been personally present, or had appeared by their agent or agents, guardian or guardians; in any case contemplated in this section either party may appeal to the circuit court of the proper county as in other cases, and the judgment of the circuit court in all such cases shall be final: Provided, That no person who has petitioned the legislature for this charter shall be entitled to any damages for the right of way of said road.

Sec. 18. If it shall be found convenient or advantageous to the location and construction of said road, the corporation shall have the right to law [lay] the same along or upon any State or county road; Provided, That all State or county roads crossing said turnpike

road shall be left open and free.

Sec. 19. The corporation shall cause said road to be opened not exceeding one hundred feet wide, at least eighteen feet of which shall be McAdamized, so as to secure at all times a firm, compact, and even road, rising in the middle with a gradual curve, and in no case shall the ascent in said road be greater than an elevation of five degrees, and said corporation shall maintain and keep the same in good repair.

Sec. 20. Said corporation shall commence the construction of said road within three years, and complete the same within twelve years: *Provided*, *however*, That if ten miles or more of said road shall be completed within the time a presaid, this charter shall not

be forfeited as to that part of the road so completed.

Sec. 21. That if said road after its completion shall be suffered to go to decay, or shall be impassable for one year, unless the same is being repaired, this charter shall be considered as forfeited.

Sec. 22. That so soon as said corporation shall have completed the said road as aforesaid, or any five continuous miles thereof agreeably to the provisions of this act, they may then erect a gate or gates at distances not less than five miles apart, and demand and receive from persons travelling said road the tolls allowed by this act.

Sec. 23. That the following shall be the rates of toll for each and every ten miles of said road, and in proportion for a less distance, that is to say: For every four-wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, a sum not exceeding twenty cents; for every horse or other animal in addition, five cents; for every cart, chaise, or other two-wheeled carriage or vehicle.

drawn by one horse or other animal, not exceeding ten cents; for every sleigh or sled, drawn by one horse or other animal, five cents; for every horse or other animal in addition, five cents; for every coach, chariot, or four-wheeled pleasure carriage, drawn by one horse, not exceeding twenty cents; for every additional horse or other animal, five cents; for every horse and rider, not exceeding five cents; for every horse, mule, or ass, six month old or upwards, led or driven, not exceeding three cents; for every head of neat cattle, six months old or upwards, one cent; for every hog or sheep not exceeding one-half cent: *Provided*, That all persons going to or returning from public worship, and militia men going to and returning from militia duty, and all funeral processions, shall pass said road free of toll.

Sec. 24. That if any person or persons using said road shall, with intent to defraud said company, or to avoid the payment of toll, pass through any private way, gate, or bars, or along any other ground near to said turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another person off said road with intent to defraud said company, each and every such person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to said company, the sum of five dollars, without the benefit of any of the valuation or appraisement laws of this State, to be recovered with costs of suit, in [an] action of debt, at the suit of said company, before any justice of the peace in the proper county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing along said road from passing about their premises, between

the gates, on said road, upon ordinary business.

Sec. 25. That if said corporation shall fail for twenty successive days to keep said road in good repair, complaint of such failure may be made to any justice of the proper county, who shall thereupon summon three disinterested freeholders to examine said road, notice having been first given by such justice to the toll gatherer nearest to such part of said road complained of, of the time appointed for said freeholders to make such examination, and said freeholders, after taking an oath faithfully and impartially to discharge the duty here enjoined on them, shall proceed to make such examination, and if they shall find said road out of repair, they shall immediately certify such fact to said justice, who shall thereupon without delay transmit a copy of such certificate to the toll gatherer nearest the defective part of said road, and from the time said toll gatherer, shall receive such notice no toll shall be demanded or received for such part of said road, until the same be put in complete repair, under the penalty of five dollars for every such offence to be recovered of said corporation, with costs of suit, and for the use of the party aggrieved.

Sec. 26. That the company shall put up a post or stone at the end of every mile, with the number of miles from the place where

said road shall commence, fairly cut or painted thereon, and also in a conspicuous place near each gate shall be placed a board with the rate of tolls legibly painted thereon, and such other matter as said company may deem proper.

Sec. 27. That any person wilfully or negligently destroying, defacing, or removing any guide board, mile post or stone, or list of rates of toll, or gate erected on said road, shall, upon conviction thereof before any court of competent jurisdiction, forfeit and pay a sum not exceeding fifty dollars, to be recovered with costs of suit, in an action on the case, at the suit and for the use of the corporation; and shall, moreover, be liable to indictment, and fined in the sum of ten dollars for every such offence.

SEC. 28. That any person or persons who shall be concerned in defacing or injuring any part of said road, shall, on conviction thereof, before any court of competent jurisdiction, forfeit and pay a sum not exceeding five thousand dollars, to be recovered with costs of suit, in an action on the case, at the suit and for the use of said corporation, and shall moreover be liable to indictment, and fined in the sum of fifty dollars for every such offence.

Sec. 29. If any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace of the proper county, within thirty days after the occurrence of such offence.

SEC. 30. That the corporation shall cause to be kept a fair and legible account of the whole expense of making and repairing said road, with all incidental expenses, and also a fair account of the tolls received, and the books of said corporation shall always be kept open for the inspection of any stockholder or creditor of said corporation, and said corporation may at any time dispose of the stock to this State, or to the counties through which said road is designed to pass, for the amount of money actually paid in or expended on and about said road.

SEC. 31. That the directors of said company shall be individually liable for the payment of all debts contracted by said company during their term of service, over and above the amount of solvent stock subscribed to said company.

Sec. 32. This charter shall be limited to fifty years in its duration, and shall be liberally construed as a public act in all courts, and shall be in force from and after its passage.

place repair, under the punalty of five dollars for every such offence, or be recovered of said desportation, with costs of suit, and for the

#### CHAPTER CCXCVII.

An Act for the relief of the heirs of Seth Bacon, deceased.

## (APPROVED JANUARY 16, 1849.)

WHEREAS. It has been made to appear to this General Assembly, on the petition of John and Joel M. Bacon, that on the 11th day of July, 1840, Seth Bacon (their father) purchased from John B. Black, the north east quarter of the north east quarter of sec. 28, and the east half of the east half of the south west quarter of sec. 34, both tracts in township No. 21, north of range number 1 west, and the east half of lots numbered one and two in fractional sec. 3 in township number 20, north of range number one west, all in Clinton county, Indiana; that the said Bacon held said said tracts of land by title bond assigned to him by John B. Black on the date above, and that said Black obtained said bond by assignment from James Ball, bearing date on the 11th day of March, 1839, and that said bond was made by Richard Norris, late of Clinton county, deceased, on the 30th day of March, 1838, obligating the said Norris to convey the above described tracts of land to the said James Ball or his assignees, on the payment of the purchase money as specified in the bond; and it further appears, that the said Richard Norris has deceased. and that Abraham Norris and Isaac D. Armstrong, of the county of Clinton, are his administrators; and it further appears, that Seth Bacon died in 1847, leaving no property to be administered upon, to pay the debt due to the estate of Norris for said land, amounting to about one hundred dollars, as required by the bond, and that said bond has been lost; and requesting that Samuel D. Maxwell, Esq., of the county of Clinton, be appointed a commissioner to sell the tracts of land herein described, to pay the notes and interest due for said lands under the original contract; now therefore,

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel D. Maxwell, of the county of Clinton, be and he hereby is appointed a commissioner to sell the foregoing tracts of land, and pay the notes with the interest due thereon, given by the said Seth Bacon to the said administrators of Richard Norris, deceased, and when the amount due for said lands is paid, then the said administrators are authorized and required to convey the said tracts of land to the purchaser, by good and sufficient deeds, and if the said commissioner can sell the lands for more money than is due to the estate of Norris, and the necessary expenses incurred by him in the sale thereof, then he shall pay the money to the heirs of the said Seth Bacon, deceased.

Sec. 2. This act to take effect and be in force from and after its passage.

#### CHAPTER CCXCVIII.

An Act to amend an act entitled "An act to incorporate the town of Patriot, in Switzerland county, Indiana," approved February 16, 1848, and to declare certain misprints therein.

#### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the first word, "the," of the seventh section of an act entitled "An act to incorporate the town of Patriot in Switzerland county, [Indiana,"] approved February 16, 1848, is a misprint, and should read "three" (instead of the).

Sec. 2. Be it further enacted, That the word "August," in the second line of the 30th section of the act herein mentioned, is a misprint, and should read "September, instead of "August."

Sec. 3. Be it further enacted, That the word "Weeks," in the eighth line of the 25th section of the same act, is a misprint, and should read "Hicks."

SEC. 4. Be it further enacted, That the town council of the town of Patriot shall have power to assess annually upon the real and personal property within the limits of said town corporation, an advalorem tax, not exceeding two per cent., excepting the farms and personal property, within said corporate limits, now owned by A. D. Bennett, Solomon Hicks, E. M. Humphrey, Samuel Fisk, and Andrew Emerson, whose farms and personal property shall not be taxed for corporation purposes.

SEC. 5. So much of the 25th section of the act to which this is an amendment which conflicts with the provision of the foregoing section, is hereby repealed.

Sec. 6. So much of the 34th section of the act to which this is an amendment as authorizes the town council of the town of Patriot to establish work-houses, and to prescribe regulations thereof, is hereby repealed.

SEC. 7. This act to take effect and be in force from and after its

distant Than Samuel De Marvell, of the countries of funda, specially be greatly is appointed a commissioner to sell the interest drawner and set the end and pay the notes with the interest drawner the increased and set bacement to the said bullation across of likeliard Foreign decreased, and when the endounced for said lands is resident was and administrators are authorized and required to converginession tracts of land to the purchaser, by good and sufficient deeds, and if the said commissioner can sell the lands for more money than is due to the estate of Norris, and the necessary expenses incurred by him in the sale thereof, then he shall pay the money to the heirs of the said Seth Bacon, deceased.

Sec. 2. This act to take effect and be in force from and after its

#### CHAPTER CCXCIX.

An Act in relation to school district No. 7, in the town of Hartsville, Bartholomew county

#### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That one hundred feet square in the centre of the public square in the town of Hartsville, Bartholomew county, and State of Indiana, is hereby vacated, and John R. Morledge appointed a commissioner to deed the same to Joseph Hines, William C. Smith, and Jonathan M. Bryant, school trustees of school district No. 7, (seven.) in Hawcreek township, and said county and State, and their succesors forever.

This act to be in force from and after its passage.

#### CHAPTER CCC.

A Bill [An Act] to change the name of Emanuel Wise to Emanuel Wise Stafford.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Emanuel Wise, of the county of Morgan, is hereby changed to Emanuel Wise Stafford, and he shall be hereafter known by that name.

SEC. 2. Any contract heretofore made by said Emanuel Wise Stafford, by and in the name of Emanuel Wise, shall not be invalidated by this act, and may be enforced by and against him by the said name of Emanuel Wise Stafford.

SEC. 3. This act shall be a public act, and shall be in force from and after its passage.

shall then and annually thereafter, proceed and elect seven persons of their number as directors, who with the president aforesaid, chall

#### CHAPTER CCCI.

An Act for the relief of Robert B. Duncan, of Marion county.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the Treasurer of State pay, out of any moneys in the treasury not otherwise appropriated, the sum of ninety-five dollars and four cents, to Robert B. Duncan, of Marion county.

SEC. 2. This act to be in force from and after its passage.

#### CHAPTER CCCII.

ir succesors forever. This act to be in force from a<del>ct afte</del>r its passed

An Act for the relief of the heirs of Samuel Goldsberry, deceased.

#### [APPROVED JANUARY 16, 1849.]

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Livingston Dunlap, as guardian of the infant heirs of Samuel Goldsberry, late of Marion county, Indiana, deceased, under an order of the Marion circuit court, made at its July term, 1848, empowering him to sell the south west quarter of section nineteen, in township seventeen, north of range two east, situate in Hendricks county, Indiana, be and he hereby is authorized to sell the same for any sum, not less than one-half of its appraised value.

Sec. 2. That if, in the judgment of any court of competent jurisdiction, upon proper proceedings being first instituted, it shall be deemed necessary for the benefit of the heirs of said deceased, to sell, and such court shall make an order for the sale of the east half of the northwest quarter of section nineteen, in township seventeen, north of range two east, situate in Hendricks county, Indiana, the person authorized by such order to sell the same, may sell the same for any sum not less than two-thirds of its appraised value.

Sec. 3. This act shall be deemed a public act, and shall be in force from and after its passage.

# hold their offices until the first Monday of March next, succeeding, and until their succession, IHOOO STRAHO y vacancy which may

An act to incorporate the Lagro, Marion, and Jonesborough Plank Road Company.

# (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Wilson B. Barlow, Robert English, and Amos T. Stephenson, of Lagro; James Stoops, and E. D. Busick, of America; Samuel Blinn, James Shively, and John W. Dodd, of Marion; Thomas Jay, and W. T. Spence, of Jonesborough; in the respective counties of Wabash and Grant, Indiana, and such other persons as they shall associate with them, be and they and [their] successors hereby are constituted a body politic and corporate to have perpetual existence and [succession] and be known and styled as the Lagro, Marion, and Jonesborough Plank Road Company.

SEC. 2. The capital stock of said company shall be thirty thousand dollars, to be divided into shares of fifty dollars each, and said company is hereby invested with power to increase said capital stock to any sum not exceeding one hundred thousand dollars.

Sec. 3. The persons in the first section named, or a majority of them, shall meet at such time and place as they may agree upon, prior to the first Monday of June next, and organize said company, by electing out of said number a president, secretary, and treasurer, and after such organization, shall immediately proceed to open books of subscription to the capital stock of said company at Lagro, America, Marion, and Jonesborough, and at such other places as they may deem expedient to receive subscription to the stock of said company, and said books shall be opened at such times and under such regulations as may be directed by the president aforesaid.

Sec. 4. The books of subscription to said stock, shall contain the following entry and caption to be signed by the subscribers to said stock, viz: "The Lagro, Marion, and Jonesborough Plank Road Company."

We the undersigned promise to pay to the Lagro, Marion, and Jonesborough Plank Road Company, fifty dollars for each [share] of stock set opposite our names, the same to be paid at such times and in such sums as said company may direct."

"Subscribers' names. | No. of shares."

Sec. 5. So soon as five thousand dollars of the capital stock of said company shall be subscribed and taken, the said president of said company, shall call a meeting of the stockholders therein by a publication in some weekly newspaper published in Marion, or Jonesborough, at least ten days prior to said meeting, giving notice of the time and place of said meeting, and the said stockholders or such of them as may meet at the time and place thus appointed

shall then and annually thereafter, proceed and elect seven persons of their number as directors, who with the president aforesaid, shall hold their offices until the first Monday of March next succeeding, and until their successors are chosen, and any vacancy which may occur in any of said offices, either by death, resignation, removal, or otherwise, may be supplied at any meeting of the stockholders. The annual meetings of said company shall be held on the first Monday of March.

SEC. 6. Certificates of stock shall be given to stockholders signed by the president and secretary, and the stock shall be transferable on the books of the company, in such manner as the directors may by by-laws prescribe, but the company shall at all times, hold a lien on all stock for any dues from the holders thereof, to said company or for sums that may thereafter become due on contracts

made prior to said transfer.

SEC. 7. Said company and its directors shall keep a journal of their proceedings at any regular or special meeting, and such proceedings being drawn up and signed by the president and secretary, shall be *prima facia* evidence of the facts therein stated in all

courts of justice and other places.

SEC. 8. The capital stock of said company shall be payable in such sums and at such times as the directors at any stated meeting, may require; and said company may prescribe such penalties and forfeitures for the non-payment of any assessment ordered to be paid on said stock, as they may deem proper. Notice of all assessments shall be given by publication in some weekly newspaper printed in Marion or Jonesborough, for at least twenty days before

the same is required to be paid.

SEC. 9. Said company shall have power and are hereby authorized to survey and locate a road from Lagro, in Wabash county, to Jonesborough, Grant county, by the way of America and Marion, on such route as they may designate and shall be authorized and empowered to enter upon any highway or public road with the consent of the county commissioners of the county wherein such highway or road may be located, (and any such commissioners are hereby authorized to give their consent thereto,) and appropriate the same to the construction of said plank road, and such highway or public road shall thereupon, become to all intents and purposes, the property of said company. Said company may take conveyances and releases of all the necessary lands over which said road may be located. And any such releases may be executed by any infant feme covert, guardian, administrator, or executor, and shall be as valid and effectual in law as if such person or party so executing the same were of full age, sold or had done the same personally, and any such release executed by any guardian, executor, or administrator, if approved of by the proper probate court, shall bind the heirs, estates, ereditors, legatees, and devisees thereof.

SEC. 10. For the purpose of locating and constructing said road, it shall be lawful for said company, by their agents or persons

in their employ, to enter upon any lands to make surveys and estimates and to take from the land occupied by said road, any stone, gravel, timber, or other materials necessary to construct said road and the bridges thereon.

SEC. 11. If any person or persons owning lands upon which said road may be located, shall refuse to relinquish the same for the use thereof, and no satisfactory contract can be made with such owner by said company therefor, it shall be lawful for said company to give notice to some justice of the peace of the proper county. who shall thereupon summon the owner of said land if a resident of the county, to appear before him on a day to be named and within ten days thereof, and if the parties cannot then agree, said justice shall issue a venire for three disinterested, discreet men of the county, whom he shall select as arbitrators, and such arbitrators, after having taken an oath or affirmation faithfully and impartially to assess the damages if any, to any such lands, shall view the lands on which such damages are claimed, and shall determine the same, duly considering the advantages and disadvantages of said road to said owner, and shall make report thereof to such justice, who thereupon, shall enter judgment upon such finding, from which either party, however, may appeal to the proper circuit court. but no such appeal shall stay the progress or proceedings of the company in opening and constructing such road on said lands.

Sec. 12. If the owner named in the preceding section be a minor or insane person, or non-resident of the county, said justice to the peace shall cause three notices to be posted up in the township in which said land lies, giving notice of the time and place of such arbitration and assessment, and if no person appears he shall appoint some disinterested person to act on behalf of such absentee, and then proceed as in other cases. Costs shall be awarded by

the arbitrator.

Sec. 13. In case said company shall require for the use of said road any stone, gravel, timber, or other material from the lands of any person adjoining to or near said road, and said company cannot contract with the owner for the same, said company may proceed in like manner and have the value of any such materials assessed, as is prescribed in the eleventh and twelfth sections, except as to estimating the advantages of said road, and in any such case of lands and materials, said company may take the possession of and use the same immediately, upon having paid to the justice of the peace for the use of the owner of such lands or materials, the sum, if any, which may have been assessed therefor, notwithstanding any appeal which may be pending in the matter.

Sec. 14. If any person or persons, body politic or corporate, upon whose lands said road may be located and constructed, shall not within six months after such road is completed upon said lands, demand of said company payment or damages for the lands so taken or occupied, such person or persons, body politic or corporate, and all persons claiming by, through, or under them, shall be for-

ever barred from asserting or sustaining any action to recover said land or damages on account of the appropriation thereof.

SEC. 15. Said road may be commenced by said company so soon as four thousand dollars of the capital stock shall be subscribed, and [the] company hereby created shall cause said road to be opened not iess than forty feet nor more than one hundred feet wide, and that portion of it subscribed [constructed] of plank shall consist of a permanent single track plank way, with proper grades and structures of earth on one or both sides of said plank way to enable teams and vehicles conveniently to pass each other; such plank way to be of a width which said company may determine; and upon such portions as may be McAdamized or gravelled, or of earth, the work part shall not be less than twenty feet wide, and said company may, if [they] deem proper, construct a double track plank way upon the whole or [any] portion of said road.

Sec. 16. The directors of said company may receive labor, materials, and personal property in payment of subscriptions of stock to said company, to be taken at the estimated value thereof, as made by said directors.

Sec. 17. Said company shall commence said road within one year, and complete the same within ten years from the passage of this act, and if said road, after its completion, or the completion of any part thereof, shall be allowed to become out of repair and remain so, and be impassable for one year, unless when undergoing repair, said company may be proceeded against by quo warranto as for a violation of this charter; and if said road is suffered to be out of repair to the hindrance or delay of travellers for an unreasonable time, the said company shall have no right to collect tolls during said time.

Sec. 18. Whenever five miles of said road shall be completed a gate may be erected thereon, and so on [for] every addition [additional] five miles until the whole is completed. [After said road shall be completed, said company may erect and maintain toll gates at such points and at such distances from each other as they may deem proper, and the tolls which may be charged upon said road and payable at the gates erected thereon, shall not exceed the following rates for every ten miles distance travelled thereon, and in proportion for any greater or less distance, to wit: For every four wheel coach, carriage, buggy, wagon, or other vehicle drawn by one horse or other animal, fifteen cents; for every horse or other animal in addition thereto, five cents; for every cart or other two wheel vehicle drawn by one horse or other animal, twelve cents; for every horse or other animal in addition thereto, five cents; for every sled or sleigh drawn by one horse or other animal, ten cents; for every horse or other animal in addition thereto, five cents; for any of the vehicles aforesaid, used chiefly to convey passengers, or passengers and baggage, five cents for each passenger or passenger and his baggage, in addition to the rates above prescribed; for every horse and rider, five cents; for every horse, mule, or ass, six months old

or upwards, led or driven, three cents; for every head of neat cattle six months old or upwards, two cents; and for every hog, sheep, or other animal not herein enumerated, one cent each.

SEC. 19. Whenever said company shall have completed a double plank track or way on that portion of the road on which a plank way shall be constructed, they shall be authorized and it shall be lawful to charge one-quarter in addition to the tolls specified in the last preceding section.

SEC. 20. The company may make and publish any and all ordinances and by-laws which they may deem proper, not inconsistent with the laws of this State, in order to regulate the travel on said road, and also the rules to be observed which may be deemed for the welfare of said company; and any person willfully violating any ordinance or by-law made by said company, shall forfeit and pay the sum of five dollars, to be sued for and collected by said company in an action of debt before any justice of the peace of the county where the offender may be found.

SEC. 21. Said company shall put up a stone or post at the end of each mile, with the proper inscription thereon, and at or near each toll-gate a statement of the rates of toll charged on said [road.]

Sec. 22. If any toll-gatherer, or gate-keeper, on said road unreasonably detain any person or passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars to the said person or passenger, to be recovered before any justice of the peace having jurisdiction, within twenty days after the occurrence.

SEC. 23. If any person or persons using any part of said road shall, with intent to defraud said company, pass through any private gate or bars, or along any other ground near said road, to avoid any toll-gate, or make any untrue statement of the distance which he or they may have traveled, [or] may intend to travel on the road, or shall practice any fraud to lessen or avoid the payment of toll, each and every person concerned in such fraudulent practice shall, for every such offence, forfeit and pay to said company the sum of ten dollars, which shall be recovered in the name of said company in [an] action of debt before any justice of the peace of the county wherein the offender may be found, to be collected without regard to stay of execution or relief from valuation or appraisement laws: Provided, That nothing herein contained shall prevent persons residing on or near the line of said road from passing thereon between the gates about their premises for ordinary business.

Sec. 24. If any agent, treasurer, toll-gatherer, or other person, to whose possession or custody any of the moneys of said corporation shall come, or be placed, shall convert any of the said moneys to his own use, or make way with the same in any manner, he shall be memed guilty of embezzlement, and shall be punished, upon indictment found, in the same manner as if he had stolen the same. The neglect and refusal of [any] such person to pay over on demand

to said company, or their proper agent, any moneys in his hands belonging to said company, shall be deemed *prima facie* evidence that he [has] embezzled the same.

Sec. 25. The said corporation may purchase and hold real estate separate and distinct from that on which said road may be located and constructed, to an amount not exceeding in value ten thousand dollars.

SEC. 26. Except as is in this act provided otherwise, this corporation shall possess and enjoy the general powers, and be subject to the general restrictions and liabilities as contained in the second article of the 32d chapter of the Revised Statutes of 1843.

SEC. 27. This act shall be taken and deemed a public act, and take effect and be in force from and after its passage.

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## CHAPTER CCCIV.

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An Act to amend an act, entitled "An Act to incorporate the town of Bloomington, in the county of Monroe," approved January 13, 1845.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enucted by the General Assembly of the State of Indiana, That the sixth section of an act, entitled "An act to incorporate the town of Bloomington, in the county of Monroe," approved January 13, 1845, be and the same is hereby so amended that [the] Common Council of said town may appoint as many supervisors in the said town as they may think necessary; that section eleven of said act be, and the same is hereby, so amended that the Common Council shall have power to require of any able-bodied elector, who shall have resided three months next preceding such requisition within the limits of the corporation, to perform as many days labor on the streets and highways as they may deem necessary to keep the said streets and highways in good repair; and the said Common Council of said town are hereby required to cause the hands living within the corporate limits of said town, to work and keep in good repair the State road leading to Spencer, by James Blair's, one-half mile from the corporation limits of said town, the State road leading to Spencer, by Isaac Whisenand's, one-half mile from the corporate limits of said town, and the Smith's Ferry State road to the first branch on this side of Peter Batterton's mill.

Sec. 2. That this act be in force from and after its passa, and all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed.

## CHAPTER CCCV.

An Act to incorporate the Waveland Academy in Montgomery county.

#### (APPROVED JANUAYY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel Taylor, Dugald McIntyre, William G. Allen, John Milligan, David Wills, James McCampbell, Harvey A. Adams, J. C. Eastman, R. W. Allen, Charles K. Thompson, Samuel N. Evans, Abam [Abraham] Giltner, D. Fullenwider, Samuel D. Vance, Samuel D. Maxwell, and Isaac Rice, jr., and their successors in office, be and they are hereby constituted a body politic and corporate, to be known by the name and title of the trustees of the Waveland Presbyterian Academy at Waveland, Indiana, and by said corporate name shall be entitled to all the privileges, and subject to all the liabilities of the general provisions respecting corporations contained in article two of section thirty-two of the Revised Statutes of 1843.

SEC. 2. Said corporation shall have the right to hold for the purpose of the advancement of education and religion any amount of real and personal property not exceeding at any one time the value of fifty thousand dollars, and may sell and convey the same.

SEC. 3. That said academy shall be under the care and supervision of the Presbytery of Crawfordsville, in connection with the General Assembly of the Presbyterian Church of the United States of America, commonly known as the Old School General Assembly of the Presbyterian Church of the United States of America, and in the event of said Presbytery becoming extinct or exchanging its relations to the General Assembly aforesaid, the right hereby vested in said Presbytery shall be vested in the Synod in connection with said General Assembly exercising ecclesiastical supervision in the territory in which said academy is situated, and in the event of said Synod becoming extinct or changing its relations to the General Assembly aforesaid, the rights hereby vested in said Synod shall vest in the General Assembly.

Sec. 4. That the first four trustees above named shall hold their office as such trustees for the term of one year from the tenth day of October, 1849; the next four for the term of two years from the date aforesaid; the next four for the term of three years from the date aforesaid; and the four last named for the term of four years.

Sec. 5. That the Presbytery aforesaid shall elect annually four trustees to fill the vacancies in the board of trustees occurring as provided in section four of this article, and the trustees so elected shall serve for four years from the date of the expiration of the term of service of their predecessors, and the trustees of said acad-

emy shall have the power of filling any vacancies that may arise in their board, otherwise than is provided in the last section of this act, in such manner as said board may prescribe by their by-laws.

Sec. 6. The trustees of said academy shall have power to superintend and manage the educational interests of said academy, with the right of determining the branches of learning to be taught in said academy.

Sec. 7. This act to take effect from and after its passage.

## CHAPTER CCCVI.

O Statement Miller of Maria R. T. Octopson, Samuel N. Property

An Act to incorporate the Grand and Subordinate Temples of Honor of the State-of Indiana.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That Gamaliel Taylor, Rossington Elms, Samuel Cowden. and P. A. Hannaman, and their associates, members of the Grand Temple of Honor of the State of Indiana, and their regular successors be and they are hereby created a body corporate and politic for the term of fifty years in succession, by the name and style of the Grand Temple of Honor of the State of Indiana, and by that name shall be competent to contract and be contracted with, to sue and be sued, to plead and be impleaded, defend and be defended, in all courts and places, and in all matters whatever, with full power and lawful authority to acquire, hold, use occupy, and enjoy, by purchase, gift, grant, or devise, and the same to sell, convey or improve. rent or lease, all the real estate that said Grand Temple may become in possession of as above provided, in the State of Indiana, in value not exceeding one hundred thousand dollars, and to have a common seal and the same to alter, break, and renew at pleasure.

Sec. 2. That said Grand Temple of Honor shall have power to appoint such officers as they may deem necessary, to prescribe their several duties, and to require such security of them as they may deem proper to insure the faithful performance of their duties, and may remove them at pleasure; to make, ordain, and put in execution, such by-laws as shall be necessary for the proper and efficient management of its affairs, not incompatible with the constitution and laws of the State.

SEC. 3. That all subordinate Temples that have been or may be hereafter instituted in the State of Indiana by said Grand Temple, shall have full power and lawful authority to acquire, hold, use, occupy, and enjoy, by purchase, gift, grant, or devise, and the same

to sell, convey or improve, lease or rent; all the real, personal, or mixed property of which they have or may become possessed as above provided, in value not exceeding twenty thousand dollars; and may have a common seal, and may assume a name and number, such as the following, "Madison Temple of Honor, No. 9," and by such name may sue and be sued, plead and be impleaded, in any court, and by the same may contract and be contracted with, and do and perform whatever else they are herein empowered to do, and the subordinate Temple instituted at Madison, Indiana, shall be known by the name and style of the Madison Temple of Honor, No. 9, and by that name shall have and exercise the powers aforesaid.

Sec. 4. That all that may accrue to said subordinate Temples under the provisions of this bill, shall be vested in five trustees, and shall be held by them and their successors in trust for the use and exclusive benefit of said subordinate Temples; and upon dissolution from any cause of any subordinate Temple, the property held by it at the time of such dissolution, shall be sold, disposed of, and conveyed in such manner as a majority of the members present at any meeting when said dissolution shall have been determined upon, may direct.

Sec. 5. That the powers and privileges granted to the Grand and Subordinate Divisions of the Sons of Temperance, passed at the present session of the General Assembly, be and the same are hereby extended to the Grand and Subordinate Temples of Honor, now or hereafter to be instituted.

Sec. 6. This act to take effect and be in force from and after its passage.

ways in the same manner and to the same extent as if all the pro-

condings, in rogard to the laying out, opening, and recording the

#### CHAPTER CCCVII.

An act to incorporate the Newburgh Cotton Mill.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That A. W. Phelps, R. C. Phelps, George Hathaway, Union Bethell, and Jacob Sergants, their associates, and successors, and assigns be and they are hereby made a corporation by the name of the Newburgh Cotton Mill, for the purpose of manufacturing cotton and other goods at the town of Newburgh, in the county of Warrick and State of Indiana, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requisitions con-

tained in the Statute of 1843, chapter 32, article second, respecting

corporations.

Sec. 2. Be it further enacted, That the capital stock of said corporation shall not exceed five hundred thousand dollars, and that the said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purpose aforesaid, not exceeding the value of fifty thousand dollars exclusive of buildings and improvements that may be made by the corporation.

Sec. 3. This act shall take effect and be in force as a public act during the term of fifty years from and after its passage, unless said corporation shall sooner be voluntarily dissolved by the stockholders, of which due public notice shall be given.

#### CHAPTER CCCVIII.

An act to legalize certain roads in Jefferson county.

#### (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That all roads that have been laid out and opened by order of the Board of Commissioners of said county, and have been in use as public highways for the space of one year immediately preceding the passage of this act, are hereby declared to be, and shall be deemed and taken in all the courts of this State, to be legal highways in the same manner and to the same extent as if all the proceedings, in regard to the laying out, opening, and recording the same, had been regular and legal at the time of the doing thereof.

Sec. 2. This act to be in force from and after its passage.

#### CHAPTER CCCIX.

An act confirming the location of a State road leading from Logansport, in Cass county to Kokomo, in Howard county.

## (APPROVED JANUARY 16, 1849.)

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the State road leading from Logansport, in Cass county,

to Kokomo, in Howard county, as the same is now opened and worked under the directions of the supervisors of said counties, be and the same is herecy legalized so far as the same lies within the county of Cass.

Sec. 2. All laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Sec. 3. This act to be in force from and after its passage.

to Kokomo, in Howard county, as the same is now opened and worked under the directions of the appervisors of said counties, be and the same lies within the

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Sec. 2. All law and parts of laws contravening the provisions of the act be and the same are hereby repealed.

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STATE OF INDIANA, SECRETARY OF STATE'S OFFICE, SS:

I. S.

I, Charles H. Test, Secretary of State for the State aforesaid, certify that I have compared the foregoing with the enrolled Acts and Joint Resolutions from which they were taken, now on file in my office, and have found them correctly printed. Words included [thus] were by me inserted to aid the sense.

In witness whereof 1 have hereunto set my hand and affixed the seal of the State, at Indianapolis, this 10th day of April, A. D., 1849.

CHARLES H. TEST,

Secretary of State.

AC'

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